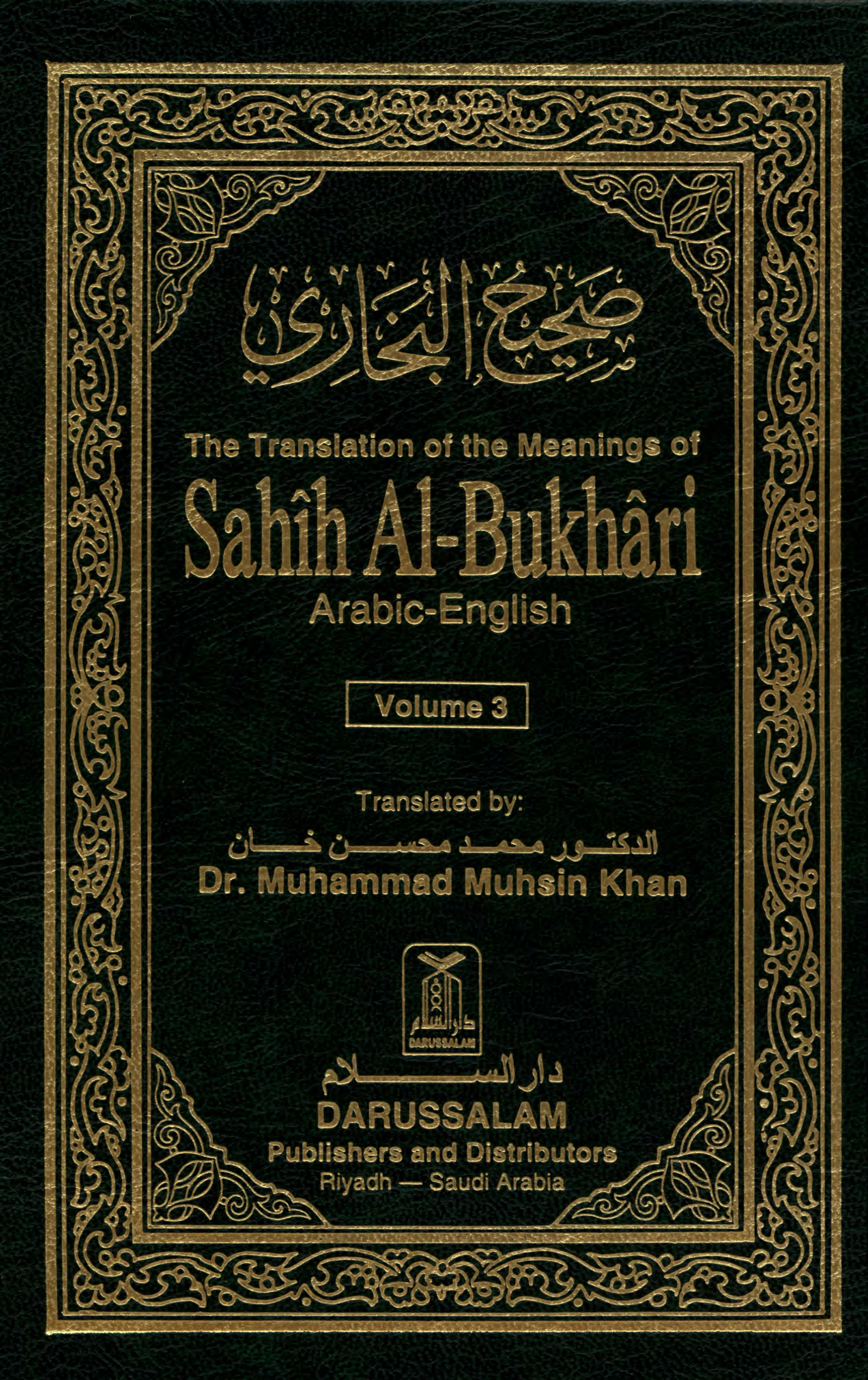

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بسم الله الرحمن الرحيم

المملكة العربية السعودية
رئاسة إدارات البحوث العلمية والإفتاء والدعوة والإرشاد
مكتب الرئيس

الرقم
التاريخ
المرفقات
الموضوع

إلى من يهمه الأمر

السلام عليكم ورحمة الله وبركاته،أما بعد :

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وصلى الله وسلم على نبينا محمد وآله وصحبه.

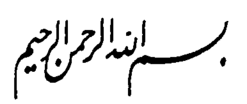
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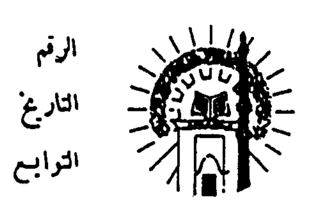




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المملكة العربية السعودية
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بالمدينة المنورة



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وصلى الله وسلم وبارك على نبينا محمد وعلى آله وصحبه.

الأمين العام للجامعة

عمر محمد فلاته



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٢٦ - كتاب العمرة

(1) CHAPTER. The obligation of performing *'Umrah* and its superiority.

(١) بَابُ وجوبُ العُمْرَةِ وَفَضْلُها،

Ibn 'Umar رَضِيَ الله عَنْهُما said, "*Hajj* and *'Umra* are obligatory for everybody." And Ibn 'Abbās رَضِيَ الله عَنْهُما said, " *'Umra* is mentioned in conjunction with *Hajj* in the Book of Allāh عَزَّ وجَل : 'And perform properly (i.e., all the ceremonies according to the ways of Prophet Muhammad ﷺ) *Hajj* and *'Umra* for Allāh.' " (V.2:196)

وقالَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما: لَيْسَ أحَدٌ إلاَّ وَعَلَيْهِ حَجَّةٌ وعُمْرَةٌ. وقالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: إنَّها لَقَرِينَتُها في كِتابِ اللهِ عَزَّ وَجَلَّ ﴿وَأَتِمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ﴾ [البقرة: ١٩٦].

1773. Narrated Abū Hurairah رَضِيَ الله عَنْه: Allāh's Messenger ﷺ said, "(The performance of) *'Umra* is an expiation for the sins committed between it and the previous one. And the reward of *Al-Hajj Al-Mabrūr* (the one accepted by Allāh) is nothing but Paradise."

١٧٧٣ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخبرَنا مالكٌ، عَنْ سُمَيٍّ مَوْلى أبي بَكْرِ ابْنِ عَبْدِ الرَّحْمٰنِ، عَنْ أبي صَالِحٍ السَّمانِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «العُمْرَةُ إلى العُمْرَةِ كَفَّارَةٌ لِمَا بَيْنَهُما، وَالحَجُّ المبرورُ لَيْسَ لَه جَزاءٌ إلَّا الجَنَّةُ».

(2) CHAPTER. The performance of *'Umra* before *Hajj*.

(٢) بابُ مَنِ اعْتَمَرَ قَبْلَ الحجِ

1774. Narrated Ibn Juraij: 'Ikrima bin Khālid asked Ibn 'Umar رَضِيَ الله عَنْهُما about performing *'Umra* before *Hajj*. Ibn 'Umar replied, "There is no harm in it." 'Ikrima said, "Ibn 'Umar also said, 'The Prophet ﷺ had performed *'Umra* before performing *Hajj*.'"

Narrated 'Ikrima bin Khālid: "I asked Ibn 'Umar رَضِيَ الله عَنْهُما the same (as above)."

١٧٧٤ - حَدَّثَنا أحْمَدُ بنُ مُحَمَّدٍ: أخْبرَنا عَبْدُ اللهِ: أخْبرَنا ابنُ جُرَيْجٍ: أنَّ عِكْرِمَةَ بنَ خالِدٍ سَأَلَ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ العُمْرَةِ قَبْلَ الحَجِّ فَقالَ: لا بَأسَ. قالَ عِكْرِمَةُ: قالَ ابنُ عُمَرَ: اعْتَمَرَ النَّبِيُّ ﷺ قَبْلَ أنْ يَحُجَّ. وقالَ إبراهِيمُ بنُ سَعْدٍ: عَنِ ابنِ إسحَاقَ: حدَّثَني

عِكْرِمَةُ بنُ خالِدٍ قَالَ: سَأَلْتُ ابنَ عُمَرَ، مِثْلَهُ.

حَدَّثَنا عَمْرُو بنُ عَلِيٍّ: حدَّثنا أبو عاصِمٍ: أَخْبرَنا ابنُ جُرَيْجٍ: قالَ عِكْرِمَةُ ابْنُ خالِدٍ: سَأَلْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما، مِثْلَهُ.

(3) CHAPTER. How many times did the Prophet ﷺ perform *'Umra*?

(٣) بابٌ: كَمِ اعْتَمَرَ النَّبِيُّ ﷺ؟

1775. Narrated Mujāhid: 'Urwa bin Az-Zubair and I entered the mosque and saw 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما sitting near the dwelling place of 'Āishah and some people were offering the *Ṣalāt-uḍ-Ḍuḥā* (*Ḍuḥa* prayer). We asked him about their *Ṣalāt* and he replied that it was a heresy. He ('Urwa) then asked him how many times the Prophet ﷺ had performed *'Umra*. He replied, "Four times; one of them was in the month of Rajab." We disliked to contradict him.

١٧٧٥ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصورٍ، عَنْ مُجَاهِدٍ، قالَ: دَخَلْتُ أنا وعُرْوَةُ بنُ الزُّبَيرِ المَسْجِدَ فإذَا عَبْدُ اللهِ بنُ عُمَرَ جالِسٌ إلى حُجْرَةِ عائِشَةَ، وَإذَا أُناسٌ يُصَلُّونَ في المَسْجِدِ صَلاةَ الضُّحَى، قالَ: فَسأَلْناه عَنْ صَلاتِهِمْ؟ فَقالَ: بِدْعَةٌ، ثُمَّ قالَ لَهُ: كَمِ اعْتَمَرَ النَّبِيُّ ﷺ؟ قالَ: أرْبَعٌ، إحداهُنَّ في رَجَبٍ. فَكَرِهْنا أنْ نَرُدَّ عَلَيْهِ. [انظر: ٤٢٥٣]

1776. Then we heard 'Āishah رضي الله عنها, the Mother of faithful believers cleaning her teeth with *Siwāk* in the dwelling place. 'Urwa said, "O Mother! O Mother of the believers! Don't you hear what Abū 'Abdur Raḥmān is saying?" She said, "What does he say?" 'Urwa said, "He says that Allāh's Messenger ﷺ performed *'Umra* four times and one of them was in the month of Rajab." 'Āishah said, "May Allāh be Merciful to Abū 'Abdur Raḥmān! The Prophet ﷺ did not perform any *'Umra* except that he was with him, and he never performed any *'Umra* in Rajab."

١٧٧٦ - قالَ: وسَمِعْنا اسْتِنانَ عائِشَةَ أُمِّ المُؤْمِنِينَ في الحُجْرَةِ، فَقالَ عُرْوَةُ: يا أُمَّاهُ، ألا تَسْمَعِينَ ما يَقُولُ أبو عَبْدِ الرَّحْمٰنِ؟ قالَتْ عائِشَةُ: ما يَقُولُ؟ قالَ: يَقُولُ: إنَّ رَسُولَ اللهِ ﷺ اعْتَمَرَ أرْبَعَ عُمراتٍ إحْدَاهُنَّ في رَجَبٍ. قالَتْ: يَرْحَمُ اللهُ أبا عَبْدِ الرَّحْمٰنِ، ما اعْتَمَرَ عُمْرَةً إلَّا وهُوَ شاهِدُه، وما اعْتَمَرَ في رَجَبٍ قَطُّ. [انظر: ١٧٧٧، ٤٢٥٤]

1777. Narrated 'Urwa bin Az-Zubair: I asked 'Āishah رَضِيَ اللهُ عَنْهَا (whether the

١٧٧٧ - حَدَّثَنا أبو عاصِمٍ:

أَخْبَرَنا ابنُ جُرَيْجٍ قالَ: أَخْبَرَني عَطاءٌ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ قالَ: سَأَلْتُ عائِشَةَ رَضِيَ اللهُ عَنْهَا، قالَتْ: ما اعْتَمَرَ رَسُولُ اللهِ ﷺ في رَجَبٍ. [راجع: ١٧٧٦]

Prophet ﷺ had performed *'Umra* in Rajab). She replied, "Allāh's Messenger ﷺ never performed any *'Umra* in Rajab."

١٧٧٨ - حَدَّثَنَا حَسَّانُ بنُ حَسَّانٍ: حدَّثنا هَمَّامٌ، عَنْ قَتادَةَ: سَأَلْتُ أَنَساً رَضِيَ اللهُ عَنْهُ: كَم اعْتَمَرَ النَّبِيُّ ﷺ؟ قالَ: أَرْبَعٌ، عُمْرَةُ الحُدَيْبِيَةِ في ذِي القَعْدَةِ حَيْثُ صَدَّهُ المُشْرِكُونَ، وَعُمْرَةٌ مِنَ العامِ المُقْبِلِ في ذِي القَعْدَةِ حَيْثُ صَالَحَهُمْ، وعُمْرَةُ الجِعْرَانَةِ إذْ قَسَمَ غَنِيمَةَ - أُراه - حُنَينٍ. قُلْتُ: كَمْ حَجَّ؟ قالَ: وَاحِدَةً. [انظر: ١٧٧٩، ١٧٨٠، ٣٠٦٦، ٤١٤٨]

1778. Narrated Qatāda: I asked Anas رَضِيَ اللهُ عَنْهُ: How many times the Prophet ﷺ had performed *'Umra*. He replied, "Four times: 1. *'Umra* of *Ḥudaibīya* in Dhil-Qa'da when the *Mushrikun* hindered him; 2. *'Umra* in the following year in Dhil-Qa'da after the peace treaty with them (the *Mushrikun*); 3. *'Umra* from Al-Ji'rāna where he distributed the war booty." I think he meant the booty (of the battle) of Ḥunain. 4. *'Umra* along with his *Ḥajj* (*Ḥajjat-ul-Wada*) I asked, "How many times did he perform *Ḥajj*?" He (Anas) replied, "Once."

١٧٧٩ - حَدَّثَنَا أَبُو الوَلِيدِ هِشامُ بنُ عَبْدِ المَلِكِ: حدَّثنا هَمَّامٌ، عَنْ قَتادَةَ قالَ: سَأَلْتُ أَنَساً رَضِيَ اللهُ عَنْهُ فَقالَ: اعْتَمَرَ النَّبِيُّ ﷺ حَيْثُ رَدُّوهُ، ومِنَ القابِلِ عُمْرَةَ الحُدَيْبِيَةِ، وَعُمْرَةً في ذِي القَعْدَةِ، وعُمْرَةً مَعَ حَجَّتِهِ. [راجع: ١٧٧٨]

1779. Narrated Qatāda: I asked Anas رَضِيَ اللهُ عَنْهُ (about the Prophet's *'Umra*) and he replied, "The Prophet ﷺ performed *'Umra* when the *Mushrikun* made him return, and *'Umra* of *Al-Ḥudaibiya* (the next year), and another *'Umra* in Dhil-Qa'da, and another *'Umra* in combination with his *Ḥajj*."

١٧٨٠ - حَدَّثَنَا هُدْبَةُ: حدَّثنا هَمَّامٌ وَقالَ: اعْتَمَرَ أَرْبَعَ عُمَرٍ في ذِي القَعْدَةِ إلَّا التي اعْتَمَرَ مَعَ حَجَّتِهِ: عُمْرَتَهُ مِنَ الحُدَيْبِيَةِ، ومِنَ العامِ المُقْبِلِ. ومِنَ الجِعْرَانَةِ - حَيْثُ قَسَمَ

1780. Narrated Hammām: (Qatada said: Anas said): The Prophet ﷺ performed four *'Umra* (three) in Dhil-Qa'da except the (one) *'Umra* which he performed with his *Ḥajj*: His *'Umra* from *Al-Ḥudaibīya,* and the one of the following year, and the one from Al-Ji'rāna where he distributed the booty (of the battle) of Ḥunain, and another *'Umra* along with his *Ḥajj*.

غنائم حُنَيْنٍ - وعُمْرَةً مَعَ حَجَّتِهِ.
[راجع: ١٧٧٨]

1781. Narrated Abū Isḥaq: I asked Masrūq, 'Aṭā' and Mujāhid (about the *'Umra* of Allāh's Messenger ﷺ). They said, "Allāh's Messenger ﷺ had performed *'Umra* in D̲h̲il-Qa'da before he performed *Ḥajj*." I heard Al-Barā' bin 'Āzib رَضِيَ اللهُ عَنْهُما saying, "Allāh's Messenger ﷺ had performed *'Umra* in D̲h̲il-Qa'da twice before he performed *Ḥajj*."

١٧٨١ - **حَدَّثَنَا** أحْمَدُ بنُ عُثْمانَ: حدَّثَنا شُرَيْحُ بنُ مَسْلَمَةَ: حدَّثَنا إبْرَاهِيمُ ابنُ يُوسُفَ عَنْ أبيهِ، عَنْ أبي إسحَاقَ قالَ: سَألْتُ مَسْروقاً وعَطاءً ومُجَاهِداً، فَقالُوا: اعْتَمَرَ رَسُولُ اللهِ ﷺ في ذِي القَعْدَةِ قَبْلَ أنْ يَحُجَّ. وقالَ: سَمِعْتُ البرَاءَ بنَ عازِبٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: اعْتَمَرَ رَسُولُ اللهِ ﷺ في ذِي القَعْدَةِ قَبْلَ أنْ يَحُجَّ مَرَّتَينِ. [انظر: ١٨٤٤، ٢٦٩٨، ٢٦٩٩، ٢٧٠٠، ٣١٨٤، ٤٢٥١]

(4) CHAPTER. *'Umra* in (the month of) Ramaḍān.

(٤) بابُ عُمْرَةٍ في رَمَضانَ

1782. Narrated 'Aṭā': I heard Ibn 'Abbās رَضِيَ اللهُ عَنْهُما saying, "Allāh's Messenger asked an *Anṣārī* woman (Ibn 'Abbās named her but 'Aṭā' forgot her name), 'What prevented you from performing *Ḥajj* with us?' She replied, 'We have a camel and the father of so-and-so and his son (i.e., her husband and her son) rode it and left one camel for us to use for irrigation.' He ﷺ said (to her), 'Perform *'Umra* when Ramaḍān comes, for *'Umra* in Ramaḍān is equal to *Ḥajj* (in reward),' or said something similar."

١٧٨٢ - **حَدَّثَنَا** مُسَدَّدٌ: حدَّثَنا يَحْيى، عَنِ ابنِ جُرَيْجٍ، عَنْ عَطاءٍ قالَ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما يُخْبِرُنا يَقُولُ: قالَ رَسُولُ اللهِ ﷺ لامْرَأةٍ مِنَ الأنْصارِ - سَمَّاها ابْنُ عَبَّاسٍ فَنَسِيتُ اسْمَهَا -: «ما مَنَعكِ أنْ تَحُجِّيْ مَعَنا؟» قالَتْ: كانَ لَنا ناضِحٌ فَرَكِبَهُ أبو فُلانٍ وَابنُهُ، لِزَوْجِها وَابْنِها، وَتَرَكَ ناضِحاً نَنْضَحُ عَلَيْهِ. قالَ: «فإذَا كانَ رَمَضانُ اعْتَمِري فِيهِ فإنَّ عُمْرَةً في رَمَضانَ حَجَّةٌ» أوْ نَحْواً مِمَّا قالَ. [انظر: ١٨٦٣]

(5) CHAPTER. The performance of *'Umra* on the night of *Ḥaṣba* (the night of departure from Mina) after finishing *Ḥajj* and on other nights.

1783. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: We set out along with Allāh's Messenger ﷺ shortly before the appearance of the new moon (crescent) of the month of Dhil-Ḥijjah and he said to us, "Whoever wants to assume *Iḥrām* for *Ḥajj* may do so; and whoever wants to assume *Iḥrām* for *'Umra* may do so. Hadn't I brought the *Hady* (animal for sacrific) (with me), I would have assumed *Iḥrām* for *'Umra*." ('Āishah added,): So some of us assumed *Iḥrām* for *'Umra* while the others for *Ḥajj*. I was amongst those who assumed *Iḥrām* for *'Umra*. The day of *'Arafāt* approached and I was still menstruating. I complained to the Prophet ﷺ (about that) and he said, "Abandon your *'Umra*, undo and comb your hair, and assume *Iḥrām* for *Ḥajj*." When it was the night of *Ḥaṣba*, he sent 'Abdur Raḥmān with me to At-Tan'īm and I assumed *Iḥram* for *'Umra* (and performed it) in lieu of my missed *'Umra*.

(٥) بَابُ العُمْرَةِ لَيْلَةَ الحَصْبَةِ وَغَيرِها

١٧٨٣ - حَدَّثَنَا مُحَمَّدٌ: أَخبرَنا أَبُو مُعاوِيَةَ: حدَّثنا هِشامٌ، عَنْ أَبِيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قَالَتْ: خَرَجْنا مَعَ رَسُولِ اللهِ ﷺ مُوَافِينَ لِهِلالِ ذِي الحَجَّةِ فَقالَ لَنا: «مَنْ أَحَبَّ مِنْكُمْ أَنْ يُهِلَّ بالحَجِّ فَلْيُهِلَّ. وَمَنْ أَحَبَّ أَنْ يُهِلَّ بِعُمْرَةٍ فَلْيُهِلَّ بِعُمْرَةٍ. فَلَوْلا أَنِّي أَهْدَيْتُ. لأَهْلَلْتُ بِعُمْرَةٍ» قَالَتْ: فَمِنَّا مَنْ أَهَلَّ بِعُمْرَةٍ، ومِنَّا مَنْ أَهَلَّ بِحَجٍّ. وكُنْتُ مِمَّنْ أَهَلَّ بِعُمْرَةٍ فأَظَلَّنِي يَوْمُ عَرَفَةَ وَأَنا حائِضٌ فَشَكَوْت إِلى النَّبِيِّ ﷺ فَقالَ: «ارْفُضِي عُمْرَتَكِ، وانْقُضِي رَأْسَكِ، وَامْتَشِطِي وَأَهِلِّي بالحَجِّ». فَلَمَّا كانَ لَيْلَةُ الحَصْبَةِ أَرْسَلَ مَعِي عَبْدَ الرَّحْمٰنِ إِلى التَّنْعِيمِ فأَهْلَلْتُ بِعُمْرَةٍ مَكانَ عُمْرَتِي. [راجع: ٢٩٤]

(6) CHAPTER. *'Umra* from At-Tan'īm.

1784. Narrated 'Amr bin Aūs: 'Abdur Raḥmān bin 'Abū Bakr رَضِيَ اللهُ عَنْهُما told me that the Prophet ﷺ had ordered him to let 'Āishah ride behind him and to make her perform *'Umra* from At-Tan'īm.

(٦) بَابُ عُمْرَةِ التَّنْعِيمِ

١٧٨٤ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ، عَنْ عَمْرٍو، : سَمِعَ عَمْرَو ابنَ أَوْسٍ أَنَّ عَبْدَ الرَّحْمٰنِ بنَ أَبِي بَكْرٍ رَضِيَ اللهُ عَنْهُما أَخْبَرَهُ: أَنَّ النَّبِيَّ ﷺ أَمَرَهُ أَنْ يُرْدِفَ عائِشَةَ ويُعْمِرَها مِنَ التَّنْعِيمِ. قالَ سُفْيانُ مَرَّةً: سَمِعْتُ عَمْراً، كَمْ سَمِعْتُهُ مِنْ عَمْرٍو! [انظر: ٢٩٨٥]

1785. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ and his Companions assumed *Ihrām* for *Hajj* and none except the Prophet ﷺ and Talha had the *Hady* with them. 'Ali had come from Yemen and he had the *Hady* with him. He ('Alī) said, "I have assumed *Ihrām* with an intention like that of Allāh's Messenger ﷺ. The Prophet ﷺ ordered his Companions to intend the *Ihrām* with which they had come for *'Umra*, i.e., to perform the *Tawāf* of the Ka'bah [and *Sa'y* (going) between Aṣ-Ṣafā and Al-Marwa], to get their hair cut short and then to finish their *Ihrām* with the exception of those who had the *Hady* with them. They asked, "Shall we go to Mina and the private organs of some of us are dribbling (if we finish *Ihrām* and have sexual relations with our wives)?" The Prophet ﷺ heard that and said, "Had I known formerly what I know now, I would not have brought the *Hady*. If I did not have the *Hady* with me I would have finished my *Ihrām*." 'Āishah got her menses and performed all the ceremonies (of *Hajj*) except the *Tawāf*. So when she became clean from her menses, and she had performed the *Tawāf* of the Ka'bah, she said, "O Allāh's Messenger! You (people) are returning with *Hajj* and *'Umra* and I am returning only with *Hajj*!" So, he ﷺ ordered 'Abdur Rahmān bin 'Abū Bakr to go with her to At-Tan'īm. Thus she performed *'Umra* after the *Hajj* in the month of Dhil-Hijjah. Surāqa bin Mālik bin Ju'sham met the Prophet ﷺ at *Al-'Aqaba* (*Jamrat-ul-'Aqaba*) while the latter was stoning it and said, "O Allāh's Messenger! Is this permissible only for you?" The Prophet ﷺ replied, "No, it is for ever (i.e., it is permissible for all Muslims to perform *'Umra* before *Hajj*."[1]

١٧٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عَبْدِ الْمَجِيدِ، عَنْ حَبِيبٍ الْمُعَلِّمِ، عَنْ عَطَاءٍ: حَدَّثَنِي جَابِرُ ابْنُ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: أَنَّ النَّبِيَّ ﷺ أَهَلَّ وَأَصْحَابُهُ بِالْحَجِّ وَلَيْسَ مَعَ أَحَدٍ مِنْهُمْ هَدْيٌ غَيرَ النَّبِيِّ ﷺ وَطَلْحَةَ. وكانَ عَلِيٌّ قَدِمَ مِنَ الْيَمَنِ وَمَعَهُ الْهَدْيُ، فَقَالَ: أَهْلَلْتُ بِمَا أَهَلَّ بِهِ رَسُولُ اللهِ ﷺ. وأَنَّ النَّبِيَّ ﷺ أَذِنَ لأَصْحَابِهِ أَنْ يَجْعَلُوها عُمْرَةً، يَطُوفُوا بالبَيْتِ ثُمَّ يُقَصِّروا وَيَحِلُّوا إِلَّا مَنْ مَعَهُ الْهَدْيُ. فَقَالُوا: نَنْطَلِقُ إِلى مِنًى، وَذَكَرُ أَحَدِنا يَقْطُرُ، فَبَلَغَ النَّبِيَّ ﷺ فَقَالَ: «لَوِ اسْتَقْبَلْتُ مِنْ أَمْرِي ما اسْتَدْبَرْتُ ما أَهْدَيْتُ، وَلَوْلا أَنَّ مَعِيَ الْهَدْيَ لأَحْلَلْتُ». وأَنَّ عائِشَةَ رَضِيَ اللهُ عَنْهَا حاضَتْ فَنَسَكَتِ الْمَناسِكَ كُلَّها غَيرَ أَنَّها لَمْ تَطُفْ بِالْبَيْتِ. قالَ: فَلَمَّا طَهُرَتْ وَطافَتْ قالَتْ: يا رَسُولَ اللهِ، أَتَنْطَلِقُونَ بِعُمْرَةٍ وَحَجَّةٍ، وَأَنْطَلِقُ بالحَجِّ؟ فَأَمَرَ عَبْدَ الرَّحْمٰنِ بنَ أَبي بَكْرٍ أَنْ يَخْرُجَ مَعَها إِلى التَّنْعِيمِ، فاعْتَمَرَتْ بَعْدَ الحَجِّ في ذِي الحِجَّةِ. وَأَنَّ سُرَاقَةَ بنَ مالِكِ بنِ جُعْشُمٍ لَقِيَ النَّبِيَّ ﷺ بالعَقَبَةِ وَهُوَ يَرْمِيها، فَقَالَ:

(1) (H.1785) This may also mean that the performance of *'Umra* during the months of *Hajj* was permissible, contrary to what the pagans of the Pre-Islāmic Period believed. (*Fath Al-Bārī*)

أَلَكُمْ هٰذِهِ خاصَّةً يا رَسُولَ اللهِ؟ قالَ: «لا، بَلْ لِلأَبَدِ». [راجع: ١٥٥٧]

(٧) بابُ الاعْتِمارِ بَعْدَ الحَجِّ بِغَيرِ هَدْيٍ

(7) CHAPTER. The performance of *'Umra* after performing *Hajj* without having a *Hady*.

١٧٨٦ - حَدَّثَنا مُحَمَّدُ بنُ المُثَنَّى: حدَّثَنا يَحْيىٰ: حدَّثَنا هِشامٌ قالَ: أَخْبرَني أبي قالَ: أَخْبرَتْني عائِشَةُ رَضِيَ اللهُ عَنْها قالَتْ: خَرَجْنا مَعَ رَسُولِ اللهِ ﷺ مُوافِينَ لِهِلالِ ذِي الحَجَّةِ فَقالَ رَسُولُ اللهِ ﷺ: «مَنْ أَحَبَّ أَنْ يُهِلَّ بِعُمْرَةٍ فَلْيُهِلَّ. وَمَنْ أَحَبَّ أَنْ يُهِلَّ بِحَجَّةٍ فَلْيُهِلَّ. وَلَوْلا أَنِّي أَهْدَيْتُ لأَهْلَلْتُ بِعُمْرَةٍ». فَمِنْهُمْ مَنْ أَهَلَّ بِعُمْرَةٍ. ومِنْهُمْ مَنْ أَهَلَّ بِحَجَّةٍ وكُنْتُ مِمَّنْ أَهَلَّ بِعُمْرَةٍ فَحِضْتُ قَبْلَ أَنْ أَدْخُلَ مَكَّةَ فأَدْرَكَني يَوْمُ عَرَفَةَ وَأَنا حائِضٌ، فَشَكَوْتُ إِلى رَسُولِ اللهِ ﷺ فَقالَ: «دَعِي عُمْرَتَكِ، وَانْقُضِي رأسَكِ، وَامْتَشِطِي، وأَهِلِّي بالحَجِّ» فَفَعَلْتُ. فَلَمَّا كانَتْ لَيْلَةُ الحَصْبَةِ أَرْسَلَ مَعي عَبْدَ الرَّحْمٰنِ إِلى التَّنْعِيمِ. فأَرْدَفَها فأَهَلَّتْ بِعُمْرَةٍ مَكانَ عُمْرَتِها فَقَضَى اللهُ حَجَّها وعُمْرَتَها ولَمْ يَكُنْ في شَيْءٍ مِنْ ذلكَ هَدْيٌ وَلا صَدَقَةٌ وَلا صَوْمٌ. [راجع: ٢٩٤]

1786. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: We set out with Allāh's Messenger ﷺ shortly before the appearance of the new moon of Dhil-Ḥijjah and he said, "Whoever wants to assume *Iḥrām* for *'Umra* may do so, and whoever wants to assume *Iḥrām* for *Ḥajj* may do so. Had not I brought the *Hady* with me, I would have assumed *Iḥrām* for *'Umra*." Some of the people assumed *Iḥrām* for *'Umra* while others for *Ḥajj*. I was amongst those who had assumed *Iḥrām* for *'Umra*. I got my menses before entering Makkah, and was menstruating till the day of *'Arafāt*. I complained to Allāh's Messenger ﷺ about it, he said, "Abandon your *'Umra*, undo and comb your hair, and assume *Iḥrām* for *Ḥajj*." So, I did that accordingly. When it was the night of *Ḥaṣba* (day of departure from Mina), the Prophet ﷺ sent 'Abdur Raḥmān with me to At-Tan'īm.

The subnarrator adds: He ('Abdur-Raḥmān) let her ride behind him.

And she assumed *Iḥrām* for *'Umra* in lieu of the abandoned one. 'Āishah completed her *Ḥajj* and *'Umra*, and no *Hady*, *Ṣadaqa* (charity), or fasting was obligatory for her.

(٨) بابُ أَجْرِ العُمْرَةِ عَلى قَدْرِ النَّصَبِ

(8) CHAPTER. The reward of *'Umra* is according to the hardship which one encounters in performing it.

١٧٨٧ - حَدَّثَنا مُسَدَّدٌ: حدَّثَنا

1787. Narrated Al-Aswad that 'Āishah رَضِيَ اللهُ عَنْهَا said, "O Allāh's Messenger! The

people are returning after performing the two *Nusuk* (i.e., *Ḥajj* and *'Umra*) but I am returning with one only?" He said, "Wait till you become clean from your menses and then go to At-Tan'īm, assume *Iḥrām* (and after performing *'Umra*) join us at such and such a place. But it (i.e., the reward of *'Umra*) is according to your expenses or the hardship (which you encounter while performing it)."

يَزِيدُ ابنُ زُرَيْعٍ: حدَّثَنا ابنُ عَوْنٍ، عَنِ القاسِمِ بنِ مُحَمَّدٍ، وعَنِ ابنِ عَوْنٍ عَنْ إبْرَاهِيمَ عَنِ الأسْوَدِ قالا: قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْهَا: يا رَسُولَ اللهِ يَصْدُرُ النَّاسُ بِنُسُكَيْنِ وَأَصْدُرُ بِنُسُكٍ؟ فَقِيلَ لَهَا: «انْتَظِرِي فإذَا طَهُرْتِ فاخْرُجِي إلى التَّنْعِيمِ، فأهِلِّي ثُمَّ ائْتِيَا بِمَكانِ كَذَا. ولكِنَّها عَلَى قَدْرِ نَفَقَتِكِ، أَوْ نَصَبِكِ». [راجع: ٢٩٤]

(9) CHAPTER. If a person performing *'Umra* departs after performing the *Ṭawāf* of *'Umra*, will that *Ṭawāf* substitute for *Ṭawāf-al-Wadā'* as well?

(٩) بابٌ المُعْتَمِرِ إذَا طافَ طَوَافَ العُمْرَةِ ثُمَّ خَرَجَ، هَلْ يُجْزِئُهُ مِنْ طَوَافِ الوَدَاعِ؟

1788. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: We set out assuming the *Iḥrām* for *Ḥajj* in the months of *Ḥajj* towards the sacred precincts of *Ḥajj*. We dismounted at Sarif and the Prophet ﷺ said to his Companions, "Whoever has not got the *Hady* with him and likes to make it as *'Umra*, he should do it, but he who has got the *Hady* with him should not do it." The Prophet ﷺ and some of his wealthy Companions had the *Hady* with them, so they did not finish *Iḥrām* after performing the *'Umra*. The Prophet ﷺ came to me while I was weeping. He asked me the reason for it. I replied, "I have heard of what you have said to your Companions and I cannot do the *'Umra*." He asked me, "What is the matter with you?" I replied, "I am not offering prayers."[1] He said, "There is no harm in it as you are one of the daughters of Ādam and the same is written for you as for others. So, you should perform *Ḥajj* and I

١٧٨٨ - **حَدَّثَنَا** أبو نُعَيمٍ: حدَّثَنا أَفْلَحُ بنُ حُمَيْدٍ، عَنِ القاسِمِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: خَرَجْنا مُهِلِّينَ بالحَجِّ في أشْهُرِ الحَجِّ وحُرُمِ الحَجِّ فَنَزَلْنا بِسَرِفَ فَقالَ النَّبِيُّ ﷺ لأصْحابِهِ: «مَنْ لَمْ يَكُنْ مَعَهُ هَدْيٌ فأَحَبَّ أنْ يَجْعَلَها عُمْرَةً فَلْيَفْعَلْ، وَمَنْ كانَ مَعَهُ هَدْيٌ فَلا». وكانَ مَعَ النَّبِيِّ ﷺ ورِجالٍ مِنْ أصْحابِهِ ذَوِي قُوَّةٍ الهَدْيُ، فَلَمْ تَكُنْ لَهُمْ عُمْرَةٌ. فَدَخَلَ عَلَيَّ النَّبِيُّ ﷺ وَأنا أبْكِي فَقالَ: «ما يُبْكِيكِ؟» قُلْتُ: سَمِعْتُكَ تَقُولُ لأصْحابِكَ ما قُلْتَ فَمُنِعْتُ العُمْرَةَ. قالَ: «وما شأْنُكِ؟» قُلْتُ:

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(1) (H.1788) This expression is an indirect way to say: "I have got menses and thus I cannot perform my prayers. Consequently, I cannot perform the ceremonies of *'Umra*."

hope that Allāh will enable you to perform the *'Umra* as well." So, I carried on till we departed from Minā and halted at Al-Muḥaṣṣab. The Prophet ﷺ called 'Abdur-Raḥmān and said, "Go out of the sanctuary with your sister and let her assume *Iḥrām* for *'Umra*, and after both of you have finished the *Ṭawāf* I will be waiting for you at this place." We came back at mid-night and the Prophet ﷺ asked us, "Have you finished?" I replied in the affirmative. He announced the departure and the people set out for the journey and some of them had performed the *Ṭawāf* of the Ka'bah before the morning prayer, and after that the Prophet ﷺ set out for Al-Madīna.

لا أُصَلِّي، قالَ: «فَلا يَضِرْكِ، أَنْتِ مِنْ بَناتِ آدَمَ كُتِبَ عَلَيْكِ ما كُتِبَ عَلَيْهِنَّ، فَكُونِي في حَجَّتِك. عَسَى اللهُ أَنْ يَرْزُقَكِها»، قالَتْ: فَكُنْتُ حتَّى نَفَرْنا مِنْ مِنًى فَنَزَلْنا المُحَصَّبَ فَدَعا عَبْدَ الرَّحْمٰنِ فَقالَ: «اخْرُجْ بِأُخْتِكَ الحَرَمَ فَلْتُهِلَّ بِعُمْرَةٍ ثُمَّ افْرُغا مِنْ طَوافِكُما أَنْتَظِرْكما هاهُنا». فأَتَيْنا في جَوْفِ اللَّيْلِ فَقالَ: «فَرَغْتُما؟» قُلْتُ: نَعَمْ. فَنادَى بالرَّحِيلِ في أَصْحابِهِ فارْتَحَلَ النَّاسُ وَمَنْ طافَ بالبَيْتِ قَبْلَ صَلاةِ الصُّبْحِ، ثُمَّ خَرَجَ مُوَجِّهاً إلى المَدِينَةِ. [راجع: ٢٩٤]

(10) CHAPTER. A person should perform (the same ceremonies) in *'Umra*, as he performs in *Ḥajj*.

(١٠) بابٌ: يَفْعَلُ بِالْعُمْرَةِ ما يَفْعَلُ بِالحَجِّ

1789. Narrated Ṣafwān bin Ya'lā bin Umaiyya that his father said, "A man came to the Prophet ﷺ while he was at Ji'rāna. The man was wearing a cloak which had traces of *Khalūq* of *Ṣufra* (a kind of perfume). The man asked (the Prophet ﷺ), 'What do you order me to perform in my *'Umra*?' So, Allāh inspired the Prophet ﷺ Divinely and he was screened by a piece of cloth. I wished to see the Prophet ﷺ being Divinely inspired. 'Umar رَضِيَ اللهُ عَنْهُ said to me, 'Come! Will you be pleased to look at the Prophet ﷺ while Allāh is inspiring him?' I replied in the affirmative. 'Umar lifted one corner of the cloth and I looked at the Prophet ﷺ who was snoring. When that state was over, the Prophet ﷺ asked, "Where is the questioner who asked about *'Umra*? Put off your cloak and wash away the traces of *Khalūq* from your body and clean the *Ṣufra* (yellow colour)

١٧٨٩ - حَدَّثَنا أَبُو نُعَيمٍ: حدَّثَنا هَمَّامٌ: حدَّثَنا عَطاءٌ قالَ: حدَّثَني صَفْوَانُ ابنُ يَعْلى بنِ أُمَيَّةَ عَنْ أَبِيهِ: أَنَّ رَجُلاً أَتى النَّبِيَّ ﷺ وهُوَ بالجِعْرَانَةِ، وَعَلَيْهِ جُبَّةٌ وَعَلَيْهِ أَثَرُ الخَلُوقِ، أَوْ قالَ: صُفْرَةٌ، فَقالَ: كَيْفَ تَأْمُرُنِي أَنْ أَصْنَعَ في عُمْرَتِي؟ فأَنْزَلَ اللهُ عَلى النَّبِيِّ ﷺ فَسُتِرَ بِثَوْبٍ وَوَدِدْتُ أَنِّي قَدْ رَأَيْتُ النَّبِيَّ ﷺ وَقَدْ أُنْزِلَ عَلَيْهِ الوَحْيُ. فَقالَ عُمَرُ: تَعالَ، أَيَسُرُّكَ أَنْ تَنْظُرَ إلى النَّبِيِّ ﷺ وَقَدْ أَنْزَلَ اللهُ عَلَيْهِ الوَحْيَ؟ قُلْتُ: نَعَمْ. فَرَفَعَ طَرَفَ الثَّوْبِ فَنَظَرْتُ إِلَيْهِ له

and perform in your *'Umra* what you perform in your *Ḥajj* [i.e., the *Ṭawāf* round the Ka'bah and the *Sā'y* (going) between Aṣ-Ṣafā and Al-Marwa]."

غَطِيطٌ. وأَحْسِبُهُ قالَ: كَغَطِيطِ البَكْرِ. فَلَمَّا سُرِّيَ عَنْهُ قالَ: «أَيْنَ السَّائِلُ عَنِ العُمْرَةِ؟ اخْلَعْ عَنْكَ الجُبَّةَ وَاغْسِلْ أَثَرَ الخَلُوقِ عَنْكَ وَأَنْقِ الصُّفْرَةَ، وَاصْنَعْ في عُمْرَتِكَ كما تَصْنَعُ في حَجِّكَ».

[راجع: ١٥٣٦]

1790. Narrated 'Urwa: While I was a youngster, I asked 'Āishah رَضِيَ اللهُ عَنْهَا, the wife of the Prophet ﷺ. "What about the meaning of the Statement of Allāh تعالى 'Verily! Aṣ-Ṣafā and Al-Marwa (two mountains in Makkah), are of the Symbols of Allāh. So it is not a sin on him who performs *Ḥajj* or *'Umra* of the House (Ka'bah at Makkah) to perform the *Ṭawāf* [*Sā'y* (going)] between them?' (V.2:158) I understand (from that) that there is no sin if somebody does not perform the *Ṭawāf* between them." 'Āishah replied, "No, for if it were as you are saying, then the recitation would have been like this: 'It is not sinful not to perform *Ṭawāf* between them.' This Verse was revealed in connection with the *Anṣār* who used to assume the *Iḥrām* for the idol Manāt which was put beside a place called Qudaid and those people thought it not right to perform the *Ṭawāf* of Aṣ-Ṣafā and Al-Marwa. When Islām came, they asked Allāh's Messenger ﷺ about that, and Allāh revealed:

'Verily! Aṣ-Ṣafā and Al-Marwa (two mountains in Makkah) are of the Symbols of Allāh.'

So, it is not a sin on him who performs *Ḥajj* or *'Umra* (pilgrimage of the House Ka'bah at Makkah) to perform *Ṭawāf* [*Sā'y* (going)] between them.'" (V.2:158)

Sufyān and Abū Mu'āwiya added: Hishām added (from 'Āishah): "The *Ḥajj*

١٧٩٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ قَالَ: أَخْبَرَنا مالكٌ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أَبِيهِ: أَنَّهُ قالَ: قُلْتُ لِعائِشَةَ رَضِيَ اللهُ عَنْها زَوْجِ النَّبِيِّ ﷺ وَأَنا يَوْمَئِذٍ حَدِيثُ السِّنِّ: أَرَأَيْتِ قَوْلَ اللهِ تَعالى: ﴿إِنَّ ٱلصَّفَا وَٱلْمَرْوَةَ مِن شَعَآئِرِ ٱللَّهِ فَمَنْ حَجَّ ٱلْبَيْتَ أَوِ ٱعْتَمَرَ فَلَا جُنَاحَ عَلَيْهِ أَن يَطَّوَّفَ بِهِمَا﴾ [البقرة: ١٥٨] فَلا أُرَى عَلى أَحَدٍ شَيْئاً أَنْ لا يَطَّوَّفَ بِهِما. فَقالَتْ عائِشَةُ: كَلَّا لَوْ كانَ كَما تَقُولُ كانَتْ: فَلا جُناحَ عَلَيْهِ أَنْ لا يَطَّوَّفَ بِهِما. إِنَّما أُنْزِلَتْ هٰذِهِ الآيَةُ في الأَنْصارِ، كانُوا يُهِلُّونَ لِمَناةَ وكانَتْ مَناةُ حَذْوَ قُدَيْدٍ وكانُوا يَتَحَرَّجُونَ أَنْ يَطُوفُوا بَيْنَ الصَّفا والمَرْوَةِ، فَلَمَّا جاءَ الإِسْلامُ سَأَلُوا رَسُولَ اللهِ ﷺ عَنْ ذلكَ فأَنْزَلَ اللهُ تَعالى ﴿إِنَّ ٱلصَّفَا وَٱلْمَرْوَةَ مِن شَعَآئِرِ ٱللَّهِ فَمَنْ حَجَّ ٱلْبَيْتَ أَوِ ٱعْتَمَرَ فَلَا جُنَاحَ عَلَيْهِ أَن يَطَّوَّفَ بِهِمَا﴾ زادَ سُفْيانُ وأَبُو مُعاوِيَةَ عَنْ هِشامٍ: ما أَتَمَّ اللهُ حَجَّ امْرِئٍ وَلا

عُمْرَتَهُ مَا لَمْ يَطُفْ بَيْنَ الصَّفا وَالمَرْوَةِ. [راجع: ١٦٤٣]

or *'Umra* of the person who does not perform the *Ṭawāf* between Aṣ-Ṣafā and Al-Marwa is incomplete before Allāh."

(١١) بابٌ: مَتى يَحِلُّ المُعْتَمِرُ؟

(11) CHAPTER. When should a person performing *'Umra* finish his *Iḥrām*?

وَقالَ عَطاءٌ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ: أَمَرَ النَّبِيُّ ﷺ أَصْحابَهُ أَنْ يَجْعَلُوها عُمْرَةً وَيَطُوفُوا ثُمَّ يُقَصِّرُوا وَيَحِلُّوا.

Jābir رَضِيَ اللهُ عَنْهُ said, "The Prophet ﷺ ordered his Companions to perform *'Umra* (with the *Iḥrām* they had intended for *Ḥajj*) and to perform the *Ṭawāf* (of Ka'bah, Aṣ-Ṣafā and Al-Marwa), and then cut short their hair and finish the *Iḥrām*."

١٧٩١ - حَدَّثَنا إِسحاقُ بنُ إِبْراهِيمَ، عَنْ جَرِيرٍ، عَنْ إِسماعِيلَ، عَنْ عَبْدِ اللهِ ابنِ أَبي أَوْفى قالَ: اعْتَمَرَ رَسُولُ اللهِ ﷺ وَاعْتَمَرْنا مَعَهُ فَلَمَّا دَخَلَ مَكَّةَ طافَ وَطُفْنا مَعَهُ. وَأَتى الصَّفا والمَرْوَةَ وَأَتَيْناهُما مَعَهُ، وكُنَّا نَسْتُرُهُ مِنْ أَهْلِ مَكَّةَ أَنْ يَرْمِيَهُ أَحَدٌ، فَقالَ لَهُ صاحِبٌ لي: أَكانَ دَخَلَ الكَعْبَةَ؟ قالَ: لا. [راجع: ١٦٠٠]

1791. Narrated Ismā'īl: 'Abdullāh bin Abū Aūfa رَضِيَ اللهُ عَنْهُما said: "Allāh's Messenger ﷺ performed *'Umra* and we too performed *'Umra* along with him. When he entered Makkah he performed the *Ṭawāf* (of Ka'bah) and we too performed it along with him, and then he came to the Aṣ-Ṣafā and Al-Marwa (i.e., performed the *Sā'y*) and we also came to them along with him. We were shielding him from the people of Makkah lest they may hit him with an arrow."

A friend of his asked him (i.e., 'Abdullāh bin Aūfa), "Did the Prophet ﷺ enter the Ka'bah (during that *'Umra*)?" He replied in the negative.

١٧٩٢ - قالَ: فَحَدِّثْنا ما قالَ لِخديجَةَ. قالَ: «بَشِّروا خَديجَةَ بِبَيْتٍ مِنَ الجَنَّةِ مِنْ قَصَبٍ لا صَخَبَ فِيهِ وَلا نَصَبَ». [راجع: ٣٨١٩]

1792. Then he said, "What did he (the Prophet ﷺ) say about Khadīja?" He ('Abdullāh bin Aūfa) said, "(He said) 'Give Khadīja the good tidings that she will have a palace made of *Qaṣab*[1] in Paradise and there will be neither noise nor any toil (fatigue trouble etc.) in it.'"

١٧٩٣ - حَدَّثَنا الحُمَيْدِيُّ: حَدَّثَنا سُفْيانُ، عَنْ عَمْرِو بنِ دِينارٍ قالَ: سَأَلْنا ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنْ رَجُلٍ طافَ بالبَيْتِ في عُمْرَةٍ. وَلَمْ

1793. Narrated 'Amr bin Dīnār: We asked Ibn 'Umar رَضِيَ اللهُ عَنْهُما whether a man who had performed the *Ṭawāf* of the Ka'bah but had not performed the *Ṭawāf* [*Sā'y* (going)] between Aṣ-Ṣafā and Al-

(1) (H.1792) *Qaṣab*: An Arabic word meaning pipes made of gold or pearls and other precious stones.

يَطُفْ بَينَ الصَّفا والمَرْوَةِ، أيَأتي امْرَأتَهُ؟ فقالَ: قَدِمَ النَّبيُّ ﷺ فطافَ بالبَيْتِ سَبْعاً. وَصَلّى خَلْفَ المَقامِ رَكْعَتَينِ، وَطافَ بَينَ الصَّفا والمَرْوَةِ سَبْعاً وقَدْ كانَ لَكُمْ في رَسُولِ اللهِ أُسْوَةٌ حَسَنَةٌ». [راجع: ٣٩٥]

Marwa yet, was permitted to have sexual relation with his wife. He replied, "The Prophet ﷺ arrived (at Makkah) and circumambulated the Ka'bah seven times and then offered two-*Rak'ā* prayer behind *Maqām Ibrāhīm* and then performed the *Ṭawāf* (going) between Aṣ-Ṣafā and Al-Marwa seven times. And verily, in Allāh's Messenger ﷺ you have a good example to follow".

١٧٩٤ - قالَ: وَسَألْنا جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما، فَقالَ: لا يَقْرَبَنَّها حتَّى يَطُوفَ بَينَ الصَّفا وَالمَرْوَةِ. [راجع: ٣٩٦]

1794. And we asked Jabīr bin 'Abdullāh رضي الله عنهما (the same question) and he replied, "He should not go near her till he has finished the *Ṭawāf* (going) between Aṣ-Ṣafā and Al-Marwa."

١٧٩٥ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا غُنْدَرٌ: حدَّثَنا شُعْبَةُ، عَنْ قَيْسِ بن مُسْلِمٍ، عَنْ طارِقِ بنِ شِهابٍ، عَنْ أبي مُوسَى الأشْعَرِيِّ رَضِيَ اللهُ عَنْهُ قالَ: قَدِمْتُ عَلى النَّبِيِّ ﷺ بالبَطْحاءِ وَهُوَ مُنِيخٌ فَقالَ: «أحَجَجْتَ؟» قُلْتُ: نَعَمْ. قالَ: «بما أهْلَلْتَ؟» قُلْتُ: لَبَّيْكَ، بإهْلالٍ كإهْلالِ النَّبيِّ ﷺ. قالَ: «أحْسَنْتَ. طُفْ بالبَيْتِ وبالصَّفا وَالمَرْوَةِ. ثُمَّ أحِلَّ». فَطُفْتُ بالبَيْتِ وبالصَّفا وَالمَرْوَةِ ثُمَّ أتَيْتُ امْرَأةً مِنْ قَيْسٍ فَفَلَّتْ رَأسِي ثُمَّ أهْلَلْتُ بالحَجِّ فَكُنْتُ أُفْتِي بِهِ حتَّى كانَ في خِلافَةِ عُمَرَ فَقالَ: إنْ أخَذْنا بِكتابِ اللهِ فإنَّهُ

1795. Narrated Abū Mūsā Al-Ash'arī رضي الله عنه: I came to the Prophet ﷺ at Al-Baṭḥā' while his camel was kneeling down and he asked me, "Have you intended to perform the *Ḥajj*?" I replied in the affirmative. He asked me, "With what intention have you assumed *Iḥrām*?" I replied, "I have assumed *Iḥrām* with the same intention as that of the Prophet ﷺ." He said, "You have done well. Perform the *Ṭawāf* of the Ka'bah and (the *Sā'y*) between Aṣ-Ṣafā and Al-Marwa and then finish the *Iḥrām*." So, I performed the *Ṭawāf* around the Ka'bah and (the *Sā'y*) between Aṣ-Ṣafā and Al-Marwa and then went to a woman of the tribe of Qais who cleaned my head from lice. Later I assumed the *Iḥrām* for *Ḥajj*. I used to give the verdict of doing the same till the caliphate of 'Umar who said, "If you follow Allāh's Book (the Qur'ān) then it orders you to remain in the state of *Iḥrām* till you finish from *Ḥajj*,[1] if you follow the Prophet ﷺ then he did not

(1) (H.1795) i.e., to not to finish the *Ihrām*' either perform *Ḥajj-al-Qirān* (if you have a *Hady*) or perform *Ḥajj* alone without the *'Umra* and that is the opinion of 'Umar رضي الله عنه only [See *Hadīth* No.1724 and its footnote Vol.2, *Sahīh Al-Bukhāri]*

finish his *Ihrām* till the *Hady* (sacrifice) had reached its place of slaughtering (*Hajj-al-Qirān*)."

1796. Narrated Al-Aswad: 'Abdullāh the slave of Asmā' bint Abū Bakr رضي الله عنهما, told me that he used to hear Asmā', whenever she passed by Al-Hajūn, saying, "May Allāh bless His Messenger Muhammād ﷺ. Once we dismounted here with him, and at that time we were travelling with light luggage; we had a few riding animals and a little food ration. I, my sister 'Āishah, Az-Zubair and such and such persons performed *'Umra*, and when we had passed our hands over the Ka'bah (i.e., performed *Tawāf* round the Ka'bah and between Aṣ-Ṣafā and Al-Marwa) we finished our *Ihrām*. Later on we assumed *Ihrām* for *Hajj* the same evening."

(12) CHAPTER. What should one say on returning from *Hajj*, *'Umra* and *Ghazwa*.

1797. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُمَا: Whenever Allāh's Messenger ﷺ returned from a *Ghazwa*, *Hajj* or *'Umra*, he used to say *Takbīr* (*Allāhu-Akbar*) thrice at every elevation of the ground and then would say, *Lā ilāha illallāhu Wahdahū lā sharīka lahū, lahul-mulku, wa lahul-hamdu, wa Huwa 'alā kulli shai'in Qadīr. Āyibūn, tā'ibūn, 'ābidūn, sājidūn, lirabbinā hāmidūn. Ṣadaqal-lāhu wa'dahū, wa naṣara 'abdahū, wahazamal-ahzāba Wahdahū* [None has the right to be worshipped but Allāh; He is One and has no partner. All the kingdom is for Him, and all the praises are for Him, and He is Omnipotent. We are returning with repentance, worshipping, prostrating, and praising our Lord. He has kept up His

يأمُرُنا بالتَّمام. وإنْ أخَذْنا بِقَوْلِ النَّبيِّ ﷺ فإنَّهُ لَمْ يَحِلَّ حتَّى يَبْلُغَ الهَدْيُ مَحِلَّهُ. [راجع: ١٥٥٩]

١٧٩٦ - حَدَّثَنا أحْمَدُ: حدَّثَنا ابنُ وَهْبٍ: أخْبرَنا عَمْرٌو: عَنْ أبي الأسْوَدِ: أنَّ عَبْدَ اللهِ مولى أسماءَ بِنْتِ أبي بَكْرٍ حدَّثَهُ: أنَّهُ كانَ يَسْمَعُ أسماءَ تَقُولُ كُلَّما مَرَّتْ بالحَجُونِ: صلَّى اللهُ عَلى رَسُولِهِ مُحَمَّدٍ. لَقَدْ نَزَلْنا مَعَهُ هاهُنا وَنَحْنُ يَوْمَئِذٍ خِفافٌ قَليلٌ ظَهْرُنا. قَلِيلَةٌ أزْوَادُنا. فاعْتَمَرْتُ أنا وَأُخْتِي عائِشَةُ وَالزُّبَيْرُ. وَفُلانٌ وَفُلانٌ. فَلَمَّا مَسَحْنا البَيْتَ أحْلَلْنا ثُمَّ أهْلَلْنا مِنَ العَشِيِّ بالحَجِّ. [راجع: ١٦١٥]

(١٢) بابٌ ما يَقُولُ إذَا رَجَعَ مِنَ الحَجِّ أوِ العُمْرَةِ أوِ الغَزْوِ

١٧٩٧ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبرَنا مالكٌ، عَنْ نافعٍ. عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ كانَ إذَا قَفَلَ مِنْ غَزْوٍ أوْ حَجٍّ أوْ عُمْرَةٍ يُكَبِّرُ عَلى كُلِّ شَرَفٍ مِنَ الأرْضِ ثَلاثَ تَكْبِيراتٍ ثُمَّ يَقُولُ: «لا إلَهَ إلَّا اللهُ وَحْدَهُ لا شَرِيكَ لَهُ، لَهُ المُلْكُ وَلَهُ الحَمْدُ، وَهُوَ عَلى كُلِّ شَيْءٍ قَدِيرٌ. آيِبُونَ تائِبُونَ، عابِدُونَ ساجِدُونَ، لِرَبِّنا حامِدُونَ، صَدَقَ اللهُ وَعْدَهُ، وَنَصَرَ عَبْدَهُ، وَهَزَمَ الأحْزابَ

Promise and made His slave victorious, and He Alone defeated all the confederates (of disbelievers)]."

وَحْدَهُ». [انظر: ٢٩٩٥، ٣٠٨٤، ٤١١٦، ٦٣٨٥]

(13) CHAPTER. Reception of the returning pilgrims; and the riding of three persons on one animal.

(١٣) بابُ اسْتِقْبالِ الحَاجِّ القادِمِينَ وَالثَّلاثَةِ على الدَّابَّةِ

1798. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: When the Prophet ﷺ arrived at Makkah, some boys of the tribe of Banī 'Abdul Muttalib went to receive him, and the Prophet ﷺ made one of them ride in front of him and the other behind him.

١٧٩٨ - حَدَّثَنَا مُعَلَّى بنُ أَسَدٍ: حَدَّثَنا يَزِيدُ بنُ زُرَيْعٍ: حَدَّثَنا خالِدٌ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: لَمَّا قَدِمَ رَسُولُ اللهِ ﷺ مَكَّةَ اسْتَقْبَلَهُ أُغَيلِمَةُ بَنِي عَبْدِ المُطَّلِبِ. فَحَمَلَ وَاحِداً بَينَ يَدَيْهِ وآخَرَ خَلْفَهُ. [انظر: ٥٩٦٥، ٥٩٦٦]

(14) CHAPTER. Arriving in the morning.

(١٤) بابُ القُدُومِ بالغَدَاةِ

1799. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Whenever Allāh's Messenger ﷺ left for Makkah, he used to offer *Ṣalāt* (prayer) in the mosque of *Ash-Shajara*, and when he returned (to Al-Madīna), he used to offer *Ṣalāt* in the middle of the valley of Dhul-Hulaifa and used to pass the night there till morning.

١٧٩٩ - حَدَّثَنَا أَحْمَدُ بنُ الحَجَّاجِ: حَدَّثَنا أَنَسُ بنُ عِيَاضٍ، عَنْ عُبَيْدِ اللهِ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ كانَ إذَا خَرَجَ إلى مَكَّةَ يُصَلِّي في مَسْجِدِ الشَّجَرَةِ، وَإِذَا رَجَعَ صَلَّى بِذِي الحُلَيْفَةِ بِبَطْنِ الوَادِي وباتَ حتَّى يُصْبِحَ. [راجع: ٤٨٤]

(15) CHAPTER. Returning (home) at *Al-'Ashi* (after midday till sunset).

(١٥) بابُ الدُّخُولِ بالعَشِيِّ

1800. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ never returned to his family from a journey at night. He used to return either in the morning or in the afternoon.

١٨٠٠ - حَدَّثَنَا مُوسَى بنُ إسمَاعِيلَ: حَدَّثَنا هَمامٌ، عَنْ إسْحَاقَ بنِ عَبْدِ اللهِ بن أبي طَلْحَةَ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: كانَ النَّبِيُّ ﷺ لا يَطْرُقُ أهْلَه، كانَ لا يَدْخُل إلا غُدْوَةً أوْ عَشِيَّةً.

(16) CHAPTER. Not to go to one's family on arrival at one's town, at night. [See *Fath Al-Bāri*]

1801. Narrated Jābir رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade going to one's family at night (on arrival from a journey).

(17) CHAPTER. Whoever made his she-camel proceed faster on reaching his town (destination).

1802. Narrated Humaid: Anas رَضِيَ اللهُ عَنْهُ said, "Whenever Allāh's Messenger ﷺ returned from a journey, he, on seeing the high places of Al-Madīna, would make his she-camel proceed faster; and if it were another animal, even then he used to make it proceed faster."

Narrated Humaid that the Prophet ﷺ used to make it proceed faster out of his love for Al-Madīna.

Narrated Anas as above, but mentioned "the walls of Al-Madīna" instead of "the high places of Al-Madīna." Al-Harith bin 'Umair agrees with Anas.

(18) CHAPTER. The Saying of Allāh تعالى: "...So enter houses through their proper doors..." (V.2:189)

1803. Narrated Abū Ishāq: I heard Al-Barā' رَضِيَ اللهُ عَنْهُ saying, "The above Verse was revealed regarding us, for the *Ansār* on returning from *Hajj* never entered their houses through the proper doors but from behind. One of the *Ansār* came and entered through the door and he was taunted for it. Therefore, the following was revealed:

"...It is not *Al-Birr* (piety, righteousness)

(١٦) بابٌ: لا يَطْرُقُ أهْلَه إذَا بَلَغَ المَدِينَةَ

١٨٠١ - حَدَّثَنَا مُسْلِمُ بنُ إبْرَاهِيمَ: حدَّثَنا شُعْبَةُ: عَنْ مُحَارِبٍ، عَنْ جابرٍ رَضِيَ اللهُ عَنْهُ قالَ: نَهى النَّبيُّ ﷺ أنْ يَطْرُقَ أهْلَه لَيْلاً. [راجع: ٤٤٣]

(١٧) بابُ مَنْ أسْرَعَ ناقَتَه إذَا بَلَغَ المَدِينَةَ

١٨٠٢ - حَدَّثَنَا سَعِيدُ بنُ أبي مَرْيَمَ: أخْبرَنا مُحَمَّدُ بنُ جَعْفَرٍ قالَ: أخْبرَني حُمَيْدٌ أنَّهُ سَمِعَ أنَساً رَضِيَ اللهُ عَنْهُ يَقُولُ: كانَ النَّبيُّ ﷺ إذَا قَدِمَ مِنْ سَفَرٍ فأبْصَرَ دَرَجاتِ المَدِينَةِ أوْضَعَ ناقَتَه، وإنْ كانَتْ دَابَّةً حرَّكَها. قالَ أبُو عَبْدِ اللهِ: زَادَ الحَارِثُ بنُ عُمَيرٍ عَنْ حُمَيدٍ: حَرَّكَها مِنْ حُبِّها.

حَدَّثَنا قُتَيْبَةُ قالَ: حدَّثَنا إسماعِيلُ، عَنْ حُمَيْدٍ، عَنْ أنَسٍ قالَ: «جُدُرَاتٍ». تابَعَه الحَارِثُ بنُ عُمَيْرٍ. [انظر: ١٨٨٦]

(١٨) بابُ قَوْلِ اللهِ تعالى: ﴿وَأْتُوا ٱلْبُيُوتَ مِنْ أَبْوَٰبِهَا﴾ [البقرة: ١٨٩]

١٨٠٣ - حَدَّثَنَا أبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ، عَنْ أبي إسحَاقَ قالَ: سَمِعْتُ البرَاءَ رَضِيَ اللهُ عَنْهُ يَقُولُ: نَزَلَتْ هٰذِهِ الآيَةُ فينا، كانَتِ الأنْصَارُ إذَا حَجُّوا فَجاؤُوا لَمْ يَدخُلُوا مِنْ قِبَلِ أبْوَابِ بُيُوتِهِمْ ولكن مِنْ ظُهُورِها. فَجاءَ رَجُلٌ

that you enter the houses from the back, but *Al-Birr* (is the quality of one) who fears Allāh. So, enter houses through their proper doors..." (V.2:189)

مِنَ الأَنْصَارِ فَدَخَلَ مِنْ قِبَلِ بَابِهِ، فَكَأَنَّهُ عُيِّرَ بِذلِكَ. فَنَزَلَتْ: ﴿وَلَيْسَ ٱلْبِرُّ بِأَن تَأْتُوا۟ ٱلْبُيُوتَ مِن ظُهُورِهَا وَلَٰكِنَّ ٱلْبِرَّ مَنِ ٱتَّقَىٰ وَأْتُوا۟ ٱلْبُيُوتَ مِنْ أَبْوَٰبِهَا﴾ [البقرة: ١٨٩]. [انظر: ٤٥١٢]

(19) CHAPTER. Travelling is a kind of torture.

(١٩) بابٌ: السَّفَرُ قِطْعَةٌ مِنَ العَذَابِ

1804. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Travelling is a kind of torture as it prevents one from eating, drinking and sleeping (properly). So, when one's needs are fulfilled, one should return quickly to one's family."

١٨٠٤ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حدَّثنا مالكٌ، عَنْ سُمَيٍّ، عَنْ أبي صَالِحٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «السَّفَرُ قِطْعَةٌ مِنَ العَذَابِ، يَمْنَعُ أَحَدَكُمْ طَعامَهُ وَشَرَابَهُ ونَوْمَهُ، فإذَا قَضَى نَهْمَتَه فَلْيُعَجِّلْ إلى أَهْلِهِ. [انظر: ٣٠٠١، ٥٤٢٩]

(20) CHAPTER. What may a traveller do if he has to proceed fast to arrive home early?

(٢٠) بابٌ المُسافِرِ إذَا جَدَّ بِهِ السَّيرُ وَيُعَجِّلُ إلى أَهْلِهِ

1805. Narrated Zaid bin Aslam that his father said:, "I was with Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا on the way to Makkah, and he got the news that Ṣafiyya bint Abū 'Ubaid was seriously ill. So, he hastened his pace, and when the twilight disappeared, he dismounted and offered the *Maghrib* and *'Ishā'* prayer together. Then he said, "I saw that whenever the Prophet ﷺ had to hasten when travelling, he would delay the *Maghrib* prayer and join them together (i.e., offer the *Maghrib* and the *'Ishā'* prayer together)."

١٨٠٥ - حَدَّثَنَا سَعِيدُ بنُ أبي مَرْيَم: أخْبرَنا مُحَمَّدُ بن جَعْفَرٍ قالَ: أخْبرَنِي زَيْدُ بنُ أسْلَمَ، عَنْ أبِيهِ قالَ: كُنْتُ مَعَ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما بِطَرِيقِ مَكَّةَ فَبَلَغَه عَنْ صَفِيَّةَ بِنْتِ أبي عُبَيْدٍ شِدَّةُ وجَعٍ فأسْرَعَ السَّيرَ حتَّى إذَا كانَ بَعْدَ غُرُوبِ الشَّفَقِ نَزَلَ فَصَلَّى المَغْرِبَ وَالعَتَمَةَ جَمَعَ بَيْنَهُما، ثُمَّ قالَ: إنِّي رَأَيْتُ النَّبِيَّ ﷺ إذَا جدَّ بِهِ السَّيرُ أخَّرَ المَغْرِبَ وجَمَعَ بَيْنَهُما. [راجع: ١٠٩١]

27 - THE BOOK OF *AL-MUḤṢAR*[1]

٢٧ - كتاب المُحْصَر

And the Statement of Allāh:
"...But if you are prevented (from completing them), sacrifice a *Hady* (animal i.e., a sheep or a cow or a camel etc.) such as you can afford, and do not shave your heads until the *Hady* reaches the place of sacrifice..." (V.2:196)

وَقَوْلِ اللهِ تعالى: ﴿فَإِنْ أُحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ وَلَا تَحْلِقُوا رُءُوسَكُمْ حَتَّى يَبْلُغَ الْهَدْيُ مَحِلَّهُ﴾ [البقرة: ١٩٦] وقالَ عَطاءٌ: الإِحْصارُ مِنْ كُلِّ شَيْءٍ يَحْبِسُهُ قالَ أَبُو عَبْدِ اللهِ: ﴿وَحَصُورًا﴾ [آل عمران: ٣٩]: لا يَأْتِي النِّساءَ.

(1) CHAPTER. If one, intending to perform *'Umra*, is prevented from performing it.

(١) بابٌ: إِذَا أُحْصِرَ المُعْتَمِرُ

1806. Narrated Nāfi': When 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما set out for Makkah intending to perform *'Umra*, at the time of *Al-Fitnah* (trial or affliction)[2], he said, "If I should be prevented from reaching the Ka'bah, then I would do the same as Allāh's Messenger ﷺ did, so I assume the *Iḥrām* for *'Umra* as Allāh's Messenger ﷺ assumed the *Iḥrām* for *'Umra* in the year of Ḥudaibīya."

١٨٠٦ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ نافِعٍ: أَنَّ عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُما خَرَجَ إِلى مَكَّةَ مُعْتَمِراً في الفِتْنَةِ قالَ: إِنْ صُدِدْتُ عَنِ البَيْتِ صَنَعْتُ كما صَنَعْنا مَعَ رَسُولِ اللهِ ﷺ. فأَهَلَّ بِعُمْرَةٍ مِنْ أَجْلِ أَنَّ رَسُولَ اللهِ ﷺ كانَ أَهَلَّ بِعُمْرَةٍ عامَ الحُدَيْبِيَةِ.

1807. Narrated Nāfi' that 'Ubaidullāh bin 'Abdullāh and Sālim bin 'Abdullāh informed him that they told Ibn 'Umar رَضِيَ اللهُ عَنْهُما when Ibn Az-Zubair was attacked by the army saying, "There is no harm for you if you did not perform *Ḥajj* this year. We are afraid that you may be prevented from reaching the Ka'bah." Ibn 'Umar said. "We set out with Allāh's Messenger ﷺ and the Quraish disbelievers prevented us from reaching the Ka'bah, and so the Prophet ﷺ slaughtered his *Hady* and got his head shaved." Ibn

١٨٠٧ - حَدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدِ ابنِ أَسماءَ: حدَّثنا جُوَيْرِيَةُ، عَنْ نافِعٍ: أَنَّ عُبَيْدَ اللهِ بنَ عَبْدِ اللهِ وسالِمَ بنَ عَبْدِ اللهِ أَخْبَرَاهُ أَنَّهُما كَلَّما عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُما لَيالِيَ نَزَلَ الجَيْشُ بابنِ الزُّبَيْرِ فَقالا: لا يَضُرُّكَ أَنْ لا تَحُجَّ العامَ وَإِنَّا نَخافُ أَنْ يُحالَ بَيْنَكَ وَبَيْنَ البَيْتِ.

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(1) (Ch. 27) *Al-Muḥṣar* is a *Muḥrim* who intends to perform *Ḥajj* or *'Umra* but is prevented from performing it because of some obstacle.
(2) (H. 1806) The fighting between Al-Ḥajjāj and Ibn Az-Zubair.

'Umar added, "I make you witness that I have made *'Umra* obligatory for me. And if Allāh will, I will go and then if the way to Ka'bah is clear, I will perform the *Ṭawāf*, but if I am prevented from going to the Ka'bah then I will do the same as the Prophet ﷺ did while I was in his company." Ibn 'Umar then assumed *Iḥrām* for *'Umra* from Dhul-Ḥulaifa and proceeded for a while and said, "The conditions of *'Umra* and *Ḥajj* are similar and I make you witnesses that I have made *'Umra* and *Ḥajj* obligatory for myself." So, he did not finish the *Iḥrām* till the day of *Naḥr* (slaughtering) came, and he slaughtered his *Hady*. He used to say, "I will not finish the *Iḥrām* till I perform the *Ṭawāf*, one *Ṭawāf* on the day of entering Makkah (i.e., one *Sā'y* of Aṣ-Ṣafā and Al-Marwa for both *'Umra* and *Ḥajj*)."

فَقالَ: خَرَجْنا مَعَ رَسُولِ اللهِ ﷺ فَحالَ كُفَّارُ قُرَيْشٍ دُونَ البَيْتِ فَنَحَرَ النَّبِيُّ ﷺ هَدْيَهُ وحَلَقَ رَأْسَهُ وأُشْهِدُكُمْ أَنِّي قَدْ أَوْجَبْتُ عُمْرَةً، إنْ شاءَ اللهُ أَنْطَلِقُ فإنْ خُلِّيَ بَيْنِي وبَيْنَ البَيْتِ طُفْتُ. وإنْ حِيلَ بَيْنِي وبَيْنَه فَعَلْتُ كما فَعَلَ النَّبِيُّ ﷺ وأنا مَعَه. فأَهَلَّ بالعُمْرَةِ مِنْ ذِي الحُلَيْفَةِ ثُمَّ سارَ ساعَةً ثُمَّ قالَ: إنَّما شَأْنُهُما وَاحِدٌ، أُشْهِدُكُمْ أنِّي قَدْ أَوْجَبْتُ حَجَّةً مَعَ عُمْرَتِي، فَلَمْ يَحِلَّ مِنْهُما حتَّى دَخَلَ يَوْمَ النَّحْرِ وَأَهْدَى، وكانَ يَقُولُ: لا يَحِلُّ حتَّى يطُوفَ. طَوَافاً وَاحِداً يَوْمَ يَدْخُلُ مَكَّةَ. [راجع: ١٦٣٩]

1808. Narrated Nāfi': Some of the sons of 'Abdullāh told him (i.e., 'Abdullāh) if he had stayed (and not performed *Ḥajj* that year).

١٨٠٨ - حدَّثني مُوسَى بنُ إسماعِيلَ: حدَّثنا جُوَيْرِيَةُ، عَنْ نافعٍ: أنَّ بَعْضَ بَنِي عَبْدِ اللهِ قالَ لَه: لَوْ أَقَمْتَ بِهٰذا. [راجع: ١٦٣٩]

1809. Narrated Ibn 'Abbās رَضِيَ الله عَنْهُما: Allāh's Messenger ﷺ was prevented from performing (*'Umra*). Therefore, he shaved his head and had sexual relations with his wives and slaughtered his *Hady* and performed *'Umra* in the following year.

١٨٠٩ - حَدَّثَنا مُحَمَّدٌ: حدَّثنا يَحْيى ابنُ صالحٍ: حدَّثنا مُعاوِيَةُ بنُ سَلَّامٍ: حدَّثنا يَحْيى بنُ أبي كَثِيرٍ، عَنْ عِكْرِمَةَ قالَ: فقالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: قَدْ أُحْصِرَ رَسُولُ اللهِ ﷺ فَحَلَقَ رَأْسَه وجامَعَ نِساءَه ونَحَرَ هَدْيَه حتَّى اعْتَمَرَ عاماً قابلاً.

(2) CHAPTER. One who is prevented from performing the *Ḥajj*.

(٢) بابُ الإِحْصارِ في الحَجِّ

1810. Narrated Sālim: ('Abdullāh) bin 'Umar رَضِيَ الله عَنْهُما used to say, "Is not (the

١٨١٠ - حَدَّثَنا أحْمَدُ بنُ

following of) the *Sunna* (legal ways) of Allāh's Messenger ﷺ sufficient for you? If anyone of you is prevented from performing *Hajj*, he should perform the *Tawāf* of the Ka'bah and [*Sā'y* (going)] between Aṣ-Ṣafā and Al-Marwa and then finish the *Ihrām* and everything will become legal for him which was illegal for him (during the state of *Ihrām*); and he can perform *Hajj* in a following year and he should slaughter a *Hady* or observe *Saum* (fasting) in case he cannot afford the *Hady*."

مُحَمَّدٍ: أَخبرَنا عَبْدُ اللهِ: أَخْبرَنا يُونُسُ عَنِ الزُّهْرِيِّ قالَ: أَخْبرَني سالِمٌ قالَ: كانَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ: أَلَيْسَ حَسْبُكُمْ سُنَّةَ رَسُولِ اللهِ ﷺ؟ إِنْ حُبِسَ أَحَدُكُمْ عَنِ الحَجِّ طافَ بالبَيْتِ وبالصَّفا والمَرْوَةِ ثُمَّ حَلَّ مِنْ كُلِّ شَيْءٍ حتَّى يَحُجَّ عاماً قابِلاً فَيُهدِي أَوْ يَصُومُ إِنْ لَمْ يَجِدْ هَدْياً. وعَنْ عَبْدِ اللهِ قالَ: أَخْبرَنا مَعْمَرٌ عَنِ الزُّهْرِيِّ قالَ: حدَّثَني سالِمٌ عَنْ ابنِ عُمَرَ نَحْوَهُ. [راجع: ١٦٣٩]

(3) CHAPTER. The slaughtering (of *Hady*) before shaving the head (in case) one is prevented from performing (*Hajj* or '*Umra*).

(٣) بابُ النَّحْرِ قَبْلَ الحَلْقِ في الحَصرِ

1811. Narrated Al-Miswar رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ slaughtered (the *Hady*) before he had his head shaved and then he ordered his companions to do the same.

١٨١١ - حَدَّثَنا مَحْمُودٌ: حدَّثَنا عَبْدُ الرَّزَّاقِ: أَخبرَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنِ المِسْوَرِ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ نَحَرَ قَبْلَ أَنْ يَحْلِقَ وَأَمَرَ أَصْحابَهُ بِذلِكَ. [راجع: ١٤٩٤]

1812. Narrated Nāfi' that 'Abdullāh and Sālim said to 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما, "(You should not go for *Hajj* this year)." 'Abdullāh bin 'Umar replied, "We set out with the Prophet ﷺ (to Makkah for performing '*Umra*) and the infidels of Quraish prevented us from reaching the Ka'bah. Allāh's Messenger ﷺ slaughtered his *Budn* (camels for sacrifice) and got his head shaved."

١٨١٢ - حَدَّثَني مُحَمَّدُ بنُ عَبْدِ الرَّحِيمِ: أَخْبرَنا أَبُو بَدْرٍ شُجاعُ بنُ الوَلِيدِ، عَنْ عُمَرَ بنِ مُحَمَّدٍ العُمَرِيِّ قالَ: وَحَدَّثَ نافِعٌ: أَنَّ عَبْدَ اللهِ وَسالماً كَلَّما عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُما فَقالَ: خَرَجْنا مَعَ النَّبِيِّ ﷺ مُعْتَمِرِينَ فَحالَ كُفَّارُ قُرَيْشٍ دُونَ البَيْتِ فَنَحَرَ رَسُولُ اللهِ ﷺ بُدْنَه وحَلَقَ رَأْسَه. [راجع: ١٦٣٩]

(4) CHAPTER. Whoever said that the *Muhṣar* is not supposed to perform *'Umra* or *Hajj* in lieu of the prevented one.

(٤) **بابٌ** مَنْ قالَ: لَيْس عَلى المُحْصَرِ بَدَلٌ

Ibn 'Abbās رَضِيَ اللهُ عَنْهُما said, "The performing of *Hajj* is only obligatory in lieu of that *Hajj* which is abandoned because of personal pleasure (having sexual intercourse with his wife), and not for that which is abandoned because some genuine excuse or a similar thing (e.g., disease or lack of money), then he should finish his *Iḥrām* and there is no need for him to make up for it. And if he has a *Hady* with him and is prevented from performing *Hajj*, and he is unable to send it to its place of slaughtering, then he should slaughter it. But if he can send it, then he should not finish his *Iḥrām* till the *Hady* has reached its place (i.e., has been slaughtered)." Mālik and others said, "He should slaughter his *Hady* and have his head shaved wherever he is and does not have to make up for it, because the Prophet ﷺ and his companions slaughtered the sacrifice and had their heads shaved in Al-Hudaibīya and finished their *Iḥrām* before performing the *Ṭawāf* and before the *Hady* reached the Ka'bah. It is not mentioned that the Prophet ﷺ ordered anybody to make up for any of the missed ceremonies or to repeat anything. And Al-Hudaibīya is outside the boundaries of the sanctuary of Makkah."

وَقالَ رَوْحٌ، عَنْ شِبْلٍ، عَنِ ابنِ أَبي نَجيحٍ، عَنْ مُجاهِدٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: إنَّما البَدَلُ عَلى مَنْ نَقَضَ حَجَّهُ بالتَّلَذُّذِ. فأَمَّا مَنْ حَبَسَه عُذْرٌ أَوْ غَيْرُ ذلكَ فإنَّه يَحِلُّ وَلا يَرْجِعُ. وإذا كانَ مَعَهُ هَدْيٌ وَهُوَ مُحْصَرٌ نَحَرَهُ إنْ كانَ لاَ يَسْتَطِيعُ أَنْ يَبْعَثَ وإنِ اسْتَطاعَ أَنْ يَبْعَثَ بِهِ لَمْ يَحِلَّ حتَّى يَبْلُغَ الهَدْيُ مَحِلَّهُ. وقالَ مالكٌ وَغَيره: يَنْحَر هَدْيَه ويَحْلِقُ في أيِّ مَوْضِعٍ كانَ وَلا قَضاءَ عَلَيْهِ لأَنَّ النَّبِيَّ ﷺ وأَصْحابَه بالحُدَيْبِيَةِ نَحَروا وَحَلَقُوا وَحَلُّوا مِنْ كُلِّ شَيْءٍ قَبْلَ الطَّوَافِ وَقَبْلَ أَنْ يَصِلَ الهَدْيُ إلى البَيْتِ. ثُمَّ لَمْ يُذْكَر أَنَّ النَّبِيَّ ﷺ أَمَرَ أَحَداً أَنْ يَقْضُوا شَيْئاً وَلا يَعُودوا له. والحُدَيْبِيَةُ خارِجٌ مِنَ الحَرَمِ.

1813. Narrated Nāfi': When 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما set out for Makkah with the intention of performing *'Umra* in the period of *Al-Fitnah* (trial and affliction), he said, "If I should be prevented from reaching the Ka'bah, then I would do the same as we did while in the company of Allāh's Messenger ﷺ." So, he assumed the *Iḥrām* for *'Umra* since the Prophet ﷺ had assumed the *Iḥrām* for *'Umra* in the year of *Al-Hudaibīya*. Then 'Abdullāh bin 'Umar

١٨١٣ - حَدَّثَنا إسماعيلُ: حدَّثَني مالكٌ، عَنْ نافعٍ: أَنَّ عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ حِينَ خَرَجَ إلى مَكَّةَ مُعْتَمِراً في الفِتْنَةِ: إنْ صُدِدْتُ عَنِ البَيْتِ صَنَعْنا كما صَنَعْنا مَعَ رَسُولِ اللهِ ﷺ. فَأَهَلَّ بِعُمْرَةٍ مِنْ أَجْلِ أَنَّ النَّبِيَّ ﷺ كانَ أَهَلَّ بِعُمْرَةٍ

عامَ الحُدَيْبِيَةِ. ثُمَّ إنَّ عَبْدَ اللهِ بنَ عُمَرَ نَظَرَ في أَمْرِهِ فَقالَ: ما أمرهمَا إلَّا وَاحِدٌ. فالتَفَتَ إلى أَصْحَابِهِ فَقالَ: ما أَمْرهمَا إلَّا وَاحِدٌ، أُشْهِدُكُمْ أنِّي قَدْ أَوْجَبْتُ الحَجَّ مَعَ العُمْرَةِ. ثُمَّ طافَ لَهُما طَوَافاً وَاحِداً وَرَأى أَنَّ ذلكَ مُجزِئٌ عَنْهُ وأَهْدَى. [راجع: ١٦٣٩]

thought about it and said, "The conditions for both *Hajj* and *'Umra* are similar." He then turned towards his companions and said, "The conditions of both *Hajj* and *'Umra* are similar and I make you witness that I have made the performance of *Hajj* obligatory for myself along with *'Umra*." He then performed one *Tawāf* [*Sā'y* (going) between Aṣ-Ṣafā and Al-Marwa] for both of them (i.e., *Hajj* and *'Umra*) and considered that to be sufficient for him and offered a *Hady*.

(٥) بابٌ قَوْلِ اللهِ تَعالى: ﴿فَمَن كَانَ مِنكُم مَّرِيضًا أَوْ بِهِۦٓ أَذًى مِّن رَّأْسِهِۦ فَفِدْيَةٌ مِّن صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ﴾ [البقرة: ١٩٦] وَهُوَ مُخَيَّرٌ، فأَمَّا الصَّوْمُ فَثَلاثَةُ أَيَّامٍ

(5) CHAPTER. The Statement of Allāh تعالى: "...And whosoever of you is ill or has an ailment in his scalp, (necessitating shaving), he must pay a *Fidya* (ransom), of either observing *Saum* (fasts) (three days), or giving *Sadaqa* (charity – feeding six poor persons), or offer sacrifice (one sheep)..." (V.2:196)

He has the option. As for fasting, it should be for three days.

١٨١٤ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخبَرَنا مالكٌ، عَنْ حُمَيْدِ بنِ قَيْسٍ، عَنْ مُجَاهِدٍ، عَنْ عبْدِ الرَّحْمٰنِ بنِ أَبي لَيْلى، عَنْ كَعْبِ بنِ عُجْرَةَ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قالَ: «لَعَلَّكَ آذاكَ هَوامُّكَ؟». قالَ: نَعَمْ يا رَسُولَ اللهِ، فَقالَ رَسُولُ اللهِ ﷺ: «احْلِقْ رَأْسَكَ وَصُمْ ثَلاثَةَ أَيَّامٍ، أَو أَطعِمْ سِتَّةَ مَسَاكِينَ، أَوِ انْسُكْ بِشاةٍ». [انظر: ١٨١٥، ١٨١٦، ١٨١٧، ١٨١٨، ٤١٥٩، ٤١٩٠، ٤١٩١، ٤٥١٧، ٥٦٦٥، ٥٧٠٣، ٦٧٠٨]

1814. Narrated 'Abdur-Rahmān bin Abū Lailā: Ka'b bin 'Ujra رَضِيَ اللهُ عَنْهُ said that Allāh's Messenger ﷺ said to him (Ka'b), "Perhaps your lice have troubled you?" Ka'b replied, "Yes! O Allāh's Messenger." Allāh's Messenger ﷺ said, "Have your head shaved and then either fast three days, or feed six poor persons or slaughter one sheep as a sacrifice."

(٦) بابٌ قَوْلِ اللهِ تَعالى: ﴿أَوْ

(6) CHAPTER. The Saying of Allāh تعالى: "... Or giving *Sadaqa*..." (V.2:196)

Here *Sadaqa* is in the form of feeding six poor persons.

صَدَقَةٍ﴾ [البقرة: ١٩٦] وهي: إِطْعامُ سِتَّةِ مَساكِينَ

1815. Narrated Ka'b bin 'Ujra رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ stood beside me at Al-Hudaibīya and the lice were falling from my head in great number. He asked me, "Have your lice troubled you?" I replied in the affirmative. He ordered me to get my head shaved. Ka'b added, "This Verse: '...And whosoever of you is ill, or has ailment in his scalp...' (V.2:196) was revealed regarding me." The Prophet ﷺ then ordered me either to observe *Saum* (fast) for three days, or to feed six poor persons with one *Faraq* (three *Sā'*) (of dates), or to slaughter a sheep, (as sacrifice) whatever was available."

١٨١٥ - حَدَّثَنَا أَبُو نُعَيم: حدَّثنا سَيْفٌ قالَ: حدَّثَني مُجَاهِدٌ قالَ: سَمِعْتُ عَبْدَ الرَّحْمٰنِ بنَ أَبي لَيْلَى أَنَّ كَعْبَ بنَ عُجْرَةَ حدَّثَه قالَ: وَقَفَ عليَّ رَسُولُ اللهِ ﷺ بالحُدَيْبِيَةِ وَرَأْسِي يَتَهافَتُ قَمْلاً فَقالَ: «يُؤْذِيكَ هَوَامُّكَ؟» قُلْتُ: نَعَمْ، قالَ: «فاحْلِقْ رَأْسَكَ»، أَوْ: «احْلِقْ»، قالَ: فِيَّ نَزَلَتْ هذِهِ الآيَةُ: ﴿فَمَن كَانَ مِنكُم مَّرِيضًا أَوْ بِهِۦٓ أَذًى مِّن رَّأْسِهِۦ﴾ [البقرة: ١٩٦] إلى آخرِها فَقالَ النَّبِيُّ ﷺ: «صُمْ ثَلاثَةَ أَيَّامٍ، أَوْ تَصَدَّقْ بِفَرَقٍ بَينَ سِتَّةٍ، أَوْ انْسُكْ مِمَّا تَيَسَّرَ». [راجع: ١٨١٤]

(7) CHAPTER. The *Fidya* (compensation for a missed or wrongly practised religious ceremony) in the form of feeding (six persons) each with one-half a *Sā'* (of food).

(٧) بابٌ: الإِطْعامُ في الفِدْيَةِ نِصْفُ صَاعٍ

1816. Narrated 'Abdullāh bin Ma'qal: I sat with Ka'b bin 'Ujra رَضِيَ الله عَنْهُ and asked him about the *Fidya*. He replied, "This revelation was revealed concerning my case especially, but it is also for you in general. I was brought before Allāh's Messenger ﷺ and the lice were falling in great numbers on my face. The Prophet ﷺ said, "I have never thought that your ailment (or struggle) has reached to such an extent as I see. Can you afford a sheep?" I replied in the negative. He then said, "Observe *Saum* (fasts) for three days, or feed six poor persons each with one-half a *Sā'* of food (1 *Sā'* = 3 kilograms approx.) [and get your head shaved]".

١٨١٦ - حَدَّثَنَا أَبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ، عَنْ عَبْدِ الرَّحْمٰنِ بن الأَصْبهاني، عَنْ عَبْدِ اللهِ بنِ مَعْقِل قالَ: جَلَسْتُ إِلى كَعْبِ بنِ عُجْرَةَ رَضِيَ اللهُ عَنْهُ فَسَأَلْتُهُ عَنِ الفِدْيَةِ، فَقالَ: نَزَلَتْ فِيَّ خاصَّةً وَهِيَ لَكُمْ عامَّةً. حُمِلْتُ إِلى رَسُولِ اللهِ ﷺ وَالقَمْلُ يَتَناثَرُ عَلى وَجْهِي فَقالَ: «ما كُنْتُ أُرَى الوَجَعَ بَلَغَ بِكَ ما أَرَى، أَوْ: ما كُنْتُ أُرَى الجَهْدَ بَلَغَ بِكَ ما

أَرَى، تَجِدُ شاةً؟» فَقُلْتُ: لا، قالَ: «فَصُمْ ثَلاثَةَ أَيَّامٍ، أَوْ أَطْعِمْ سِتَّةَ مَساكِينَ لِكُلِّ مِسْكِينٍ نِصْفَ صَاعٍ».

[راجع: ١٨١٤]

(8) CHAPTER. The *Nusuk* (offering) is one sheep.

(٨) بابٌ: النُّسُكُ شاةٌ

1817. Narrated 'Abdur-Rahmān bin Abū Lailā reporting the speech of Ka'b bin 'Ujra رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ saw him (i.e., Ka'b) while the lice were falling on his face. He asked (him), "Have your lice troubled you?" He replied in the affirmative. So, he ﷺ ordered him to get his head shaved while he was at Al-Hudaibīya. At that time they were not permitted to finish their *Ihrām*, and were still hoping to enter Makkah.[1] So, Allāh revealed the Verses of *Al-Fidya*. Allāh's Messenger ﷺ ordered him to feed six poor persons with one *Faraq* of food or to slaughter one sheep (as a sacrifice) or to observe *Saum* (fast) for three days.

١٨١٧ - حَدَّثَنَا إِسحَاقُ: حدَّثنا رَوْحٌ: حدَّثنا شِبْلٌ: عَنِ ابنِ أَبي نَجيحٍ، عَنْ مُجَاهِدٍ قالَ: حدَّثَني عَبْدُ الرَّحْمٰنِ ابنُ أَبي لَيْلى، عَنْ كَعْبِ بنِ عُجْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ رَآه وَأَنَّه يَسْقُطُ عَلى وَجْهِهِ فَقالَ: «أَيُؤْذِيكَ هَوامُّكَ؟» قالَ: نَعَمْ، فَأَمَرَهُ أَنْ يَحْلِقَ وَهُوَ بالحُدَيْبِيَةِ، ولَمْ يَتَبَيَّنْ لَهُمْ أنهمْ يَحِلُّونَ بِها وَهُمْ عَلى طَمَعٍ أَنْ يَدْخلُوا مَكَّةَ فَأَنْزَلَ الله الفِدْيَةَ فَأَمَرَهُ رَسُولُ اللهِ ﷺ أَنْ يُطْعِمَ فَرَقاً بَينَ سِتَّةٍ أَوْ يُهْدِيَ شاةً أَوْ يَصومَ ثَلاثَةَ أيَّامٍ. [راجع: ١٨١٤]

1818. Narrated Ka'b bin 'Ujra رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ saw him (i.e. Ka'b) while the lice were falling on his face.

١٨١٨ - وَعَنْ مُحَمَّدِ بنِ يُوسُفَ: حدَّثَنا وَرْقاءُ، عَنِ ابنِ أَبي نَجيحٍ، عَنْ مُجَاهِدٍ: قَالَ حَدَّثَني عَبْدُ الرَّحْمٰنِ بنُ أَبي لَيْلى، عَنْ كَعْبِ بنِ عُجْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ رَآه وَقَمْلُهُ يَسقطُ عَلى وَجْهِهِ، مِثْلَهُ. [راجع: ١٨١٤]

(1) (H.1817) Ka'b was permitted to finish his *Ihrām* because of ailment in his head and had to pay *Fidya*, although later on, all his Companions finished *Ihrām* because they were prevented from reaching the Ka'bah.

(9) CHAPTER. The Statement of Allāh تعالى: "...Then he should not have sexual relations (with his wife) ..." (V.2:197)

(٩) **بابُ** قَوْلِ اللهِ عَزَّ وَجَلَّ: ﴿فَلَا رَفَثَ﴾ [البقرة: ١٩٧].

1819. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever performs *Hajj* to this House (Ka'bah) and does not approach his wife for sexual relations nor commits sins (while performing *Hajj*), he will come out as sinless as a newborn child (just delivered by his mother)."

١٨١٩ - حَدَّثَنَا سُلَيْمانُ بنُ حَرْبٍ: حدَّثنا شُعْبَةُ، عَنْ مَنْصُورٍ، عَنْ أَبي حازِمٍ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ حَجَّ هذَا البَيْتَ فَلَمْ يَرْفُثْ ولَمْ يَفْسُقْ رَجَعَ كَمَا وَلَدَتْهُ أُمُّهُ». [راجع: ١٥٢١]

(10) CHAPTER. The Statement of Allāh عَزَّ وجَل "...nor commit sin nor dispute unjustly during *Hajj*..." (V.2:197)

(١٠) **بابُ** قَوْلِ اللهِ عَزَّ وَجَلَّ: ﴿وَلَا فُسُوقَ وَلَا جِدَالَ فِى ٱلْحَجِّ﴾ [البقرة: ١٩٧].

1820. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever performs *Hajj* to this House (Ka'bah) and does not approach his wife for sexual relations nor commit sins (while performing *Hajj*), he will come out as sinless as a newborn child (just delivered by his mother)."

١٨٢٠ - حَدَّثَنَا مُحَمَّدُ بنُ يُوسُفَ: حدَّثنا سُفْيانُ، عَنْ مَنْصُورٍ، عَنْ أَبي حازِمٍ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ ﷺ: «مَنْ حَجَّ هذَا البَيْتَ فَلَمْ يَرْفُثْ ولَمْ يَفْسُقْ رَجَعَ كَيَوْمِ وَلَدَتْهُ أُمُّهُ». [راجع: ١٥٢١]

28 - THE BOOK OF PENALTY FOR HUNTING [(BY A *MUḤRIM*) AND SIMILAR THINGS].

٢٨ - كتاب جَزَاء الصيد

(1) CHAPTER. The penalty for hunting (by a *Muḥrim*) and similar things. And the Statement of Allāh تعالى:

"...Kill not game while you are in the state of *Iḥrām* for *Ḥajj* or *Umra* (pilgrimage), and whosoever of you kills it intentionally, the penalty is an offering, brought to the Ka'bah, of an eatable animal (i.e., sheep, goat, cow, etc.) brought to the Ka'bah, equivalent to the one he killed... to the end of the Verse... And fear Allāh to Whom you shall be gathered back." (V.5:95-96)

(١) **بابُ** قَوْلِ اللهِ تَعالى: ﴿لَا تَقْتُلُوا الصَّيْدَ وَأَنتُمْ حُرُمٌ وَمَن قَتَلَهُ مِنكُم مُّتَعَمِّدًا فَجَزَاءٌ مِّثْلُ مَا قَتَلَ مِنَ النَّعَمِ﴾ إِلَى قَوْلِهِ ﴿وَاتَّقُوا اللَّهَ الَّذِي إِلَيْهِ تُحْشَرُونَ﴾ [المائدة: ٩٥-٩٦].

(2) CHAPTER. If a non-*Muḥrim* hunts (an animal) and gives it as a present to a *Muḥrim*, (it is permissible for) the latter to eat it.

Ibn 'Abbās and Anas considered that there was no harm for a *Muḥrim* to slaughter animals which were not game, like camels, sheep, cows, hens, or horses.

(٢) **بابٌ: إِذَا صَادَ الحَلالُ فَأَهْدَى لِلمُحْرِمِ الصَّيْدَ أَكَلَهُ**

ولَمْ يَرَ ابنُ عَبَّاسٍ وَأَنَسٌ بالذَّبْحِ بَأساً وَهُوَ في غَيرِ الصَّيْدِ نَحْوَ الإبِلِ وَالغَنمِ وَالبَقَرِ وَالدَّجاجِ وَالخَيْلِ، يُقالُ: عَدْلُ مِثْلُ، فإذَا كُسِرَتْ «عِدْلٌ» فَهُوَ زِنَةُ ذلكَ. ﴿قِيَـٰمًا﴾ [المائدة: ٩٧]: قِوَاماً، ﴿يَعْدِلُونَ﴾ [الأنعام: ١]: يَجْعَلُونَ لَهُ عَدْلاً.

1821. Narrated 'Abdullāh bin Abū Qatāda: My father set out (for Makkah) in the year of Al-Ḥudaibīya, and his companions assumed *Ihrām*, but he did not. At that time the Prophet ﷺ was informed that an enemy wanted to attack him, so the Prophet ﷺ proceeded onwards. While my father was among his companions, some of them laughed among themselves. (My father said), "I looked up and saw an onager[1]. I attacked, stabbed and caught it.

١٨٢١ - حَدَّثَنَا مُعاذُ بنُ فَضالَةَ: حدَّثَنا هِشامٌ، عَنْ يَحيى، عَنْ عَبْدِ اللهِ ابنِ أبي قَتَادَةَ، قالَ: انْطَلَقَ أَبي عامَ الحُدَيْبِيَةِ فأَحْرَمَ أَصْحابُهُ ولَمْ يُحْرِمْ، وحُدِّثَ النَّبِيُّ ﷺ أَنَّ عَدُوّاً يَغْزُوهُ بِغَيْقَةَ فانْطَلَقَ النَّبِيُّ ﷺ فَبَيْنا أَبِي مَعَ أَصْحَابِهِ يَضْحَكُ بَعْضُهُمْ إلى

(1) (H.1821) They were laughing because they saw an onager and could not hunt it=

I then sought my companions' help but they refused to help me. (Later) we all ate its meat. We were afraid that we might be left behind (separated) from the Prophet ﷺ. So, I went in search of the Prophet ﷺ and made my horse to run at a galloping speed at times and let it go slow at an ordinary speed at other times till I met a man from the tribe of Banī Ghifār at midnight. I asked him, "Where did you leave the Prophet ﷺ?" He replied, "I left him at Ta'hun and he had the intention of having the midday rest at As-Suqyā. I followed the traces and joined the Prophet ﷺ and said, 'O Allāh's Messenger! Your people (Companions) send you their compliments, and (ask for) Allāh's Blessings upon you. They are afraid lest they may be left behind; so please wait for them.' I added, 'O Allāh's Messenger I hunted an onager and some of its meat is with me.'[1] The Prophet ﷺ told the people to eat it, though all of them were in the state of *Iḥrām*."

بَعْضٍ، فَنَظَرْتُ فإذَا أنا بِحِمارِ وَحْشٍ فَحَمَلْتُ عَلَيْهِ فَطَعَنْتُهُ فَأَثْبَتُّهُ واسْتَعَنْتُ بِهِمْ فأبَوْا أَنْ يُعِينُوني، فأكَلْنا مِنْ لَحْمِهِ وَخَشِينا أنْ نُقْتَطَعَ فَطَلَبْتُ النَّبِيَّ ﷺ أَرْفَعُ فَرَسِي شأواً وَأَسِيرُ شأواً، فَلَقِيتُ رَجُلاً مِنْ بَنِي غِفارٍ في جَوْفِ اللَّيْلِ، قُلْتُ: أَيْنَ تَرَكْتَ النَّبِيَّ ﷺ؟ قالَ: تَرَكْتُهُ بِتَعْهِنَ، وَهُوَ قائِلٌ السُّقْيا. فَقُلْتُ: يا رَسُولَ اللهِ، إنَّ أَهْلَكَ يَقْرَؤُنَ عَلَيْكَ السَّلامَ وَرَحْمَةَ اللهِ، إنَّهُمْ قَدْ خَشُوا أَنْ يُقْتَطَعُوا دُونَكَ فَانْتَظِرْهُمْ. قُلْتُ: يا رَسُولَ اللهِ، أَصَبْتُ حِمارَ وَحْشٍ وَعِنْدِي مِنْهُ فاضِلَةٌ، فَقالَ لِلْقَوْمِ: «كُلُوا»، وَهُمْ مُحْرِمُونَ. [انظر: ١٨٢٢، ١٨٢٣، ١٨٢٤، ٢٥٧٠، ٢٨٥٤، ٢٩١٤، ٤١٤٩، ٥٤٠٦، ٥٤٠٧، ٥٤٩٠، ٥٤٩١، ٥٤٩٢]

(3) CHAPTER. If the *Muḥrimūn* saw game and then laughed and a non-*Muḥrim* understood (why they laughed) (then their laughing is not to be considered as an intentional sign to draw the non-*Muḥrim's* attention. Therefore they are allowed to eat the game).

(٣) بابٌ: إذَا رَأى المُحْرِمُونَ صَيْداً فَضَحِكُوا فَفَطِنَ الحَلالُ

1822. Narrated 'Abdullāh bin Abū Qatāda that his father said, "We proceeded with the Prophet ﷺ in the year of *Al-Ḥudaibīya* and his companions assumed *Iḥrām* but I did not.

١٨٢٢ - حَدَّثَنَا سَعِيدُ بنُ الرَّبِيعِ: حدَّثَنا عليُّ بنُ المُبارَكِ، عَنْ يَحْيى، عَنْ عَبْدِ اللهِ بنِ أَبي قَتادَةَ: أَنَّ أَباهُ

=because they were in a state of *Iḥrām*; neither were they allowed to draw the attention of Abū Qatāda who was not a *Muḥrīm* then.

(1) (H.1821) Perhaps Abū Qatāda hurried to reach the Prophet ﷺ so that he might ask him whether it was legal for the *Muḥrimūns* to eat from that game, since some of his companions had refused to eat.

We were informed that some enemies were at Ghaiqa and so we went on towards them. My companions saw an onager and some of them started laughing among themselves. I looked and saw it. I chased it on my horse and stabbed and caught it. I wanted some help from my companions but they refused. (I slaughtered it all alone). We all ate from it (i.e., its meat). Then I followed Allāh's Messenger ﷺ lest we should be left behind. At times I urged my horse to run at a galloping speed and at other times at an ordinary slow speed. On the way I met a man from the tribe of Banī Ghifār at midnight. I asked him where he had left Allāh's Messenger ﷺ. The man replied that he had left the Prophet ﷺ at a place called Ta'hun and he had the intention of having the midday rest at As-Suqyā. So, I followed Allāh's Messenger ﷺ till I reached him and said, "O Allāh's Messenger I have been sent by my companions who send you their greetings and compliments and ask for Allāh's Mercy and Blessings upon you. They were afraid lest the enemy might intervene between you and them; so please wait for them." So he did. Then I said, "O Allāh's Messenger! We have hunted an onager and have some of it (i.e., its meat) left over." Allāh's Messenger ﷺ told his companions to eat the meat, although all of them were in a state of *Iḥrām*.

حدَّثَهُ قالَ: انْطَلَقْنا مَعَ النَّبِيِّ ﷺ عامَ الحُدَيْبِيَةِ فأَحْرَمَ أَصْحابُهُ ولَمْ أُحْرِمْ، فَأُنْبِئْنا بِعَدُوٍّ بِغَيْقَةَ فَتَوَجَّهْنا نَحْوَهُمْ، فَبَصُرَ أَصْحابي بِحِمارِ وَحْشٍ فَجَعَلَ بَعْضُهُمْ يَضْحَكُ إلى بَعْضٍ. فَنَظَرْتُ فَرَأَيْتُهُ فَحَمَلْتُ عَلَيْهِ الفَرَسَ فَطَعَنْتُهُ فَأَثْبَتُّهُ، فاستَعَنْتُهُمْ فأَبَوْا أَنْ يُعِينُوني. فأَكَلْنا مِنْهُ، ثُمَّ لَحِقْتُ بِرَسُولِ اللهِ ﷺ وَخَشِينا أَنْ نُقْتَطَعَ أَرْفَعُ فَرَسِي شَأْواً وَأَسِيرُ عَلَيْهِ شَأْواً، فَلَقِيتُ رَجُلاً مِنْ بَنِي غِفارٍ في جَوْفِ اللَّيْلِ فَقُلْتُ: أَيْنَ تَرَكْتَ رَسُولَ اللهِ ﷺ فَقالَ: تَرَكْتُهُ بِتَعْهِنَ وَهُوَ قائِلٌ السُّقْيا. فَلَحِقْتُ بِرَسُولِ اللهِ ﷺ حَتَّى أَتَيْتُهُ. فَقُلْتُ: يا رَسُولَ اللهِ، إنَّ أَصْحابَكَ أَرْسَلُوا يَقْرَؤُنَ عَلَيْكَ السَّلامَ وَرَحْمَةَ اللهِ، وَإِنَّهُمْ قَدْ خَشُوا أَنْ يَقْتَطِعَهُمُ العدوُّ دُونَكَ فانْظُرْهُمْ فَفَعَلَ. فَقُلْتُ: يا رَسُولَ اللهِ، إنَّا اصَّدْنا حِمارَ وَحْشٍ وإِنَّ عِنْدَنا مِنْهُ فاضِلَةً فَقالَ رَسُولُ اللهِ ﷺ لأَصحابِهِ: «كُلُوا»، وَهُمْ مُحْرِمُونَ. [راجع: ١٨٢١]

(4) CHAPTER. A *Muḥrim* should not help a non-*Muḥrim* in the hunting of a game.

(٤) بابٌ: لا يُعِينُ المحرِمُ الحَلالَ في قَتْلِ الصَّيْدِ

1823. Narrated Abū Qatāda رَضِيَ اللهُ عَنْهُ: We were in the company of the Prophet ﷺ at a place called Al-Qāḥa (which is at a distance of three stages of journey from Al-Madīna). Abū Qatāda رَضِيَ اللهُ عَنْهُ narrated through another group of narrators: We were in the

١٨٢٣ - حَدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا سُفْيانُ: حدَّثَنا صالحُ بنُ كَيْسانَ، عَنْ أَبي مُحَمَّدٍ: سَمِعَ أَبا قَتادَةَ قالَ: كُنَّا مَعَ رَسُولِ اللهِ ﷺ

company of the Prophet ﷺ at a place called Al-Qāḥa and some of us had assumed *Iḥrām* while the others had not. I noticed that some of my companions were watching something, so I looked up and saw an onager. (I rode my horse and took the spear and whip) but my whip fell down (and I asked them to pick it up for me) but they said, "We will not help you by any means as we are in a state of *Iḥrām*." So, I picked up the whip myself and attacked the onager from behind a hillock and slaughtered it and brought it to my companions. Some of them said, "Eat it." While some others said, "Do not eat it." So, I went to the Prophet ﷺ who was ahead of us and asked him about it. He replied, "Eat it, as it is *Ḥalāl* (i.e., it is legal to eat it)."

بالقاحَةِ مِنَ المَدِينَةِ عَلى ثَلاثٍ ح. وحدَّثَنا عَليُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ: حدَّثَنا صَالِحُ بنُ كَيْسانَ، عَن أبي مُحَمَّدٍ، عَنْ أبي قَتادَةَ رَضِيَ اللهُ عَنْهُ قالَ: كُنَّا مَعَ النَّبِيِّ ﷺ بالقاحَةِ وَمِنَّا المُحرِمُ ومِنَّا غَيرُ المحرِمِ، فَرَأَيْتُ أَصْحابِي يَتراءَوْنَ شَيْئاً، فَنَظَرْتُ فإِذَا حِمارُ وَحْشٍ يَعْني وَقَعَ سَوْطُهُ فَقالُوا: لا نُعِينكَ عَلَيْهِ بِشَيْءٍ، إنَّا مُحْرِمُونَ. فَتَناوَلْتُهُ فأَخَذْتُهُ ثُمَّ أَتَيْتُ الحِمارَ مِنْ وَرَاءِ أَكَمَةٍ فَعَقَرْتُهُ فأَتَيْتُ بِهِ أَصحابِي فَقالَ بَعْضُهُمْ: كُلُوا، وقالَ بَعْضُهُمْ: لا تأكُلوا. فأتَيْتُ النَّبِيَّ ﷺ وَهُوَ أَمامَنا فَسَأَلْتُهُ فَقالَ: «كُلُوهُ حَلالٌ»، قالَ لَنا عَمْرٌو: اذْهَبُوا إلى صالِحٍ فَسَلُوهُ عَنْ هذَا وَغَيرِهِ. وَقَدِمَ عَلَيْنا هاهُنا.

[راجع: ١٨٢١]

(5) **CHAPTER. A *Muḥrim* should not point at a game with the intention that a non-*Muḥrim* may hunt it.**

1824. Narrated 'Abdullāh bin Abū Qatāda that his father had told him that Allāh's Messenger ﷺ set out for *Ḥajj* and so did his Companions. He sent a batch of his Companions by another route and Abū Qatāda was one of them. The Prophet ﷺ said to them, "Proceed along the sea-shore till we meet all together." So, they took the route of the sea-shore, and when they started all of them assumed *Iḥrām* except Abū Qatāda. While they were proceeding on, his companions saw a group of onagers. Abū

(٥) بابٌ: لا يُشِيرُ المُحرِمُ إلى الصَّيْدِ لِكَيْ يصطادَه الحَلالُ

١٨٢٤ - حَدَّثَنا مُوسَى بنُ إسمَاعِيلَ: حدَّثَنا أبُو عَوَانَةَ: حدَّثَنا عُثْمانُ هُوَ ابنُ مَوهَبٍ، قالَ: أَخْبَرَني عَبْدُ اللهِ بنُ أبي قَتادَةَ، أنَّ أباه أَخْبَرَه: أنَّ رَسُولَ اللهِ ﷺ خَرَجَ حاجّاً، فَخَرَجُوا مَعَهُ فَصَرَفَ طائِفَةً مِنْهُمْ فِيهِمْ أَبُو قَتادَةَ فَقالَ: «خُذُوا ساحِلَ البَحْرِ حتَّى نَلْتَقِيَ»، فأَخَذُوا

Qatāda chased the onagers and attacked and wounded a she-onager. They got down and ate some of its meat and said to each other: "How do we eat the meat of the game while we are in a state of *Ihrām*?" So, we (they) carried the rest of the she-onager's meat, and when they met Allāh's Messenger ﷺ they asked saying, "O Allāh's Messenger! We assumed *Ihrām* with the exception of Abū Qatāda and we saw (a group) of onagers. Abū Qatāda attacked them and wounded a she-onager from them. Then we got down and ate from its meat. Later, we said, (to each other), 'How do we eat the meat of the game and we are in a state of *Ihrām*?' So, we carried the rest of its meat." The Prophet ﷺ asked, "Did anyone of you order Abū Qatāda to attack it or point at it?" They (we) replied in the negative. He said, "Then eat what is left of its meat."

سَاحِلَ البَحْرِ. فَلَمَّا انْصَرَفُوا أَحْرَمُوا كُلُّهُمْ إِلا أَبا قَتادَةَ لَمْ يُحْرِمْ، فَبَيْنما هُمْ يَسِيرُونَ إِذْ رَأَوْا حُمُرَ وَحْشٍ فَحَمَلَ أَبُو قَتادَةَ عَلى الحُمُرِ فَعَقَرَ مِنْها أَتاناً، فَنَزَلُوا فَأَكَلُوا مِنْ لَحْمِها وقالُوا: أَنَأْكُلُ لَحْمَ صَيْدٍ ونَحْنُ مُحْرِمُونَ؟ فَحَمَلْنا ما بَقِي مِنْ لَحْمِ الأَتانِ فَلَمَّا أَتَوْا رَسُولَ اللهِ ﷺ قالُوا: يا رَسُولَ اللهِ، إِنَّا كُنَّا أَحْرَمْنا وَقَدْ كانَ أَبُو قَتادَةَ لَمْ يُحْرِمْ فَرَأَيْنا حُمُرَ وَحْشٍ فَحَمَلَ عَلَيْها أَبُو قَتادَةَ فَعَقَرَ مِنْها أَتاناً فَنَزَلْنا فَأَكَلْنا مِنْ لَحْمِها ثُمَّ قُلْنا: أَنَأْكُلُ لَحْمَ صَيْدٍ ونَحْنُ مُحْرِمُونَ؟ فَحَمَلْنا ما بَقِيَ مِنْ لَحْمِها. قالَ: «أَمِنْكُمْ أَحَدٌ أَمَرَهُ أَنْ يَحْمِلَ عَلَيْها أَوْ أَشارَ إِلَيْها؟» قالُوا: لا، قالَ: «فَكُلُوا ما بَقِيَ مِنْ لَحْمِها». [راجع: ١٨٢١]

(6) CHAPTER. If any person gave a living onager as a present to a *Muhrim* then he should not accept it.

(٦) بابٌ إِذَا أَهْدَى لِلمُحْرِمِ حِماراً وَحْشِياً حَيّاً لَمْ يَقْبَلْ

1825. Narrated 'Abdullāh bin 'Abbās رَضِيَ اللهُ عَنْهُما on the authority of Aṣ-Ṣa'b bin Jath-thāma Al-Laithi that the latter presented an onager to Allāh's Messenger ﷺ while he was at Al-Abwā' or at Waddān, and he refused to accept it. On noticing the signs of some unpleasant feeling of disappointment on his (Aṣ-Ṣa'b's) face, the Prophet ﷺ said to him, "I have only returned it because I am *Muhrim*."

١٨٢٥ - **حَدَّثَنا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ ابنِ عَبْدِ اللهِ بنِ عُتْبَةَ بنِ مسعودٍ عَنْ عَبْدِ اللهِ بنِ عَبَّاسٍ، عَنِ الصَّعْبِ بنِ جَثَّامَةَ اللَّيْثِيِّ: أَنَّهُ أَهْدَى لِرَسُولِ اللهِ ﷺ حِماراً وَحْشِياً وَهُوَ بالأَبْواءِ أو بِوَدَّانَ فَرَدَّهُ عَلَيْهِ. فَلَمَّا رَأى ما في وَجْهِهِ

قال: «إنَّا لم نَرُدَّهُ إلَّا أنَّا حُرُمٌ».

[انظر: ٢٥٧٣، ٢٥٩٧]

(7) **CHAPTER. (What kind of) animals can be killed by a *Muhrim*.**

1826. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "It is not sinful on a *Muhrim* to kill five kinds of animals." (A crow, a kite, a scorpion, a mouse and a rabid dog).

1827. One of the wives of the Prophet ﷺ narrated: The Prophet ﷺ said, "A *Muhrim* can kill (five kinds of animals.)"

1828. Narrated Hafsa رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ said, "It is not sinful (on a non-*Muhrim* or a *Muhrim*) to kill five kinds of animals, namely: a crow, a kite, a mouse, a scorpion and a rabid dog."

1829. Narrated 'Āishah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Five kinds of animals are harmful and could be killed in the *Haram*

(٧) بابُ ما يَقْتُلُ المُحْرِمُ مِنَ الدَّوابِّ

١٨٢٦ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالِكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ قالَ: «خَمْسٌ مِنَ الدَّوابِّ لَيْسَ عَلى المُحرِمِ في قَتْلِهِنَّ جُناحٌ». وَعَنْ عَبْدِ اللهِ ابنِ دِينارٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ: أنَّ رَسُولَ اللهِ ﷺ قالَ. [انظر: ٣٣١٥]

١٨٢٧ - حَدَّثَنا مُسَدَّدٌ: حدَّثنا أَبُو عَوانَةَ، عَنْ زَيْدِ بنِ جُبَيرٍ، قالَ: سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ: حدَّثَتْنِي إحْدَى نِسْوَةِ النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ قالَ: «يَقْتُلُ المُحْرِمُ».

[انظر: ١٨٢٨]

١٨٢٨ - حَدَّثَنا أصْبَغُ بنُ الفَرَجِ قالَ: أخبرَني عَبْدُ اللهِ بنُ وَهْبٍ، عَنْ يُونُسَ، عَنِ ابنِ شِهابٍ، عَنْ سالِمٍ، قالَ: قالَ عَبْدُ اللهِ بنُ عُمَرَ رَضِيَ اللهُ عَنْهُما: قالَتْ حَفْصَةُ: قالَ رَسُول اللهِ ﷺ: «خَمْسٌ مِنَ الدَّوابِّ لا حَرَجَ عَلى مَنْ قَتَلَهُنَّ: الغُرابُ، وَالحِدأَةُ، وَالفَأرَةُ وَالعَقْرَبُ، والكَلْبُ العَقُورُ».

١٨٢٩ - حَدَّثَنا يَحْيى بنُ سُلَيْمان قالَ: حدَّثَنِي ابنُ وَهْبٍ قالَ: أخْبَرَني

يُونُسُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها أَنَّ رَسُولَ اللهِ ﷺ قالَ: «خَمْسٌ مِنَ الدَّوابِّ كُلُّهُنَّ فاسِقٌ، يُقْتَلْنَ في الحَرَمِ: الغُرابُ، وَالحِدَأُ، وَالعَقْرَبُ، وَالفَأْرَةُ، وَالكَلْبُ العَقُورُ».

[انظر: ٣٣١٤]

(sanctuary). These are: a crow, a kite, a scorpion, a mouse and a rabid dog."

١٨٣٠ - حَدَّثَنا عُمَرُ بنُ حَفْصِ بنِ غِياثٍ: حدَّثَنا أبي: حدَّثَنا الأَعْمَشُ: حدَّثَني إبْراهِيمُ، عَنِ الأَسْوَدِ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: بَيْنَما نَحْنُ مَعَ النَّبيِّ ﷺ في غارٍ بِمِنًى إذْ نَزَلَ عَلَيْهِ ﴿وَالْمُرْسَلَاتِ﴾ وَإِنَّهُ لَيَتْلُوها وَإِنِّي لأَتَلَقّاها مِنْ فِيهِ وإِنَّ فاهُ لَرَطْبٌ بها إذْ وَثَبَتْ عَلَيْنا حَيَّةٌ فَقالَ النَّبيُّ ﷺ: «اقْتُلُوها»، فابْتَدَرْناها فَذَهَبَتْ، فَقالَ النَّبيُّ ﷺ: «وُقِيَتْ شَرَّكُمْ كما وُقِيتُمْ شَرَّها».

[انظر: ٣٣١٧، ٤٩٣٠، ٤٩٣١، ٤٩٣٤]

1830. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: While we were in the company of the Prophet ﷺ in a cave at Mina, when *Sūrat Al-Mursalāt* was revealed and he recited it and I heard it (directly) from his mouth as soon as he recited it, then suddenly a snake sprang at us and the Prophet ﷺ said (ordered us): "Kill it." We ran to kill it but it escaped quickly. The Prophet ﷺ said, "It has escaped your evil and you too have escaped its evil."

١٨٣١ - حَدَّثَنا إسماعِيلُ قالَ: حدَّثَني مالِكٌ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها زَوْجِ النَّبيِّ ﷺ أَنَّ رَسُولَ اللهِ ﷺ قالَ لِلْوَزَغِ: «فُوَيْسِقٌ»، ولَمْ أَسْمَعْهُ أَمَرَ بِقَتْلِهِ قالَ أبو عَبْدِ اللهِ: إنَّما أَرَوْنَا بِهٰذا أَنَّ مِنًى مِنَ الْحَرَمِ وأَنَّهُمْ لَمْ يَرَوْا بِقَتْلِ الحَيَّةِ بأساً.

[انظر: ٣٣٠٦]

1831. Narrated 'Āishah رَضِيَ اللهُ عَنْها, the wife of the Prophet ﷺ: Allāh's Messenger ﷺ called a house-lizard, a bad animal, but I did not hear him ordering that it should be killed." [See H.3306].

(8) CHAPTER. It is not permissible to cut the trees[1] of the *Haram* (the sanctuary of Makkah).

(٨) **باب: لا يُعْضَدُ شَجَرُ الحَرَمِ،**

Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "Its (the *Haram's*) thorny bushes are not allowed to be cut off."

وقالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ: «لا يُعْضَدُ شَوْكُهُ».

1832. Narrated Sa'īd bin Abū Sa'īd Al-Maqburī: Abū Shuraih Al-'Adawī said that he had said to 'Amr bin Sa'īd when he was sending the troops to Makkah (to fight 'Abdullāh bin Az-Zubair), "O Chief! Allow me to tell you what Allāh's Messenger ﷺ said on the day following the conquest of Makkah. My ears heard that and my heart understood it thoroughly and I saw with my own eyes the Prophet ﷺ when he, after glorifying and praising Allāh, said, 'Allāh, not the people, made Makkah a sanctuary, so anybody who has belief in Allāh and the Last Day should neither shed blood in it, nor should he cut down its trees. If anybody tells (argues) that fighting in it is permissible on the basis that Allāh's Messenger ﷺ did fight in Makkah, say to him: Allāh allowed His Messenger ﷺ and did not allow you.' The Prophet ﷺ added: '[Allāh allowed me only for a few hours on that day (of the conquest) and today its sanctity is valid as it was before. So, those who are present should inform those who are absent (concerning this fact].'" Abū Shuraih was asked, "What did 'Amr reply?" He said, ('Amr said) "O Abū Shuraih! I know better than you in this respect, Makkah does not give protection to a sinner, a murderer or a thief.'"

١٨٣٢ - حَدَّثَنا قُتَيْبَةُ: حدَّثنا اللَّيْثُ، عَنْ سَعِيدِ بنِ أَبي سَعِيدٍ المَقْبُرِيِّ، عَنْ أَبي شُرَيْحٍ العَدَوِيِّ أَنَّهُ قالَ لِعَمْرِو بنِ سَعِيدٍ وَهُوَ يَبْعَثُ البُعُوثَ إلى مَكَّةَ: ائْذَنْ لي أيُّها الأميرُ أُحَدِّثْكَ قَوْلاً قامَ بِهِ رَسُولُ اللهِ ﷺ الغَدَ مِنْ يَوْمِ الفَتْحِ، فَسَمِعَتْهُ أُذُنايَ، وَوَعاه قَلْبِي، وأَبْصَرَتْه عَيْنايَ حِينَ تَكَلَّمَ بِهِ. إنَّهُ حَمِدَ اللهَ وأَثْنى عَلَيْهِ. ثُمَّ قالَ: «إنَّ مَكَّةَ حَرَّمَها اللهُ ولَمْ يُحَرِّمْها النَّاسُ فَلا يَحِلُّ لامْرِئٍ يُؤْمِنُ باللهِ وَاليَوْمِ الآخِرِ أَنْ يَسْفِكَ بِها دَماً ولا يَعْضُدَ بِها شَجَرَةً. فإنْ أَحَدٌ تَرَخَّصَ لِقِتالِ رَسُولِ اللهِ ﷺ فَقُولُوا لَهُ: إنَّ اللهَ أَذِنَ لِرَسُولِهِ ﷺ، ولَمْ يأذَنْ لَكُمْ. وَإِنَّما أَذِنَ لي ساعَةً مِنْ نَهارٍ وقَدْ عادَتْ حُرْمَتُها اليَوْمَ كَحُرْمَتِها بالأَمْسِ. وَلْيُبَلِّغِ الشَّاهِدُ الغائِبَ». فَقِيلَ لأَبي شُرَيْحٍ: ما قالَ لكَ عَمْرٌو؟ قالَ: أَنا أَعْلَمُ بِذٰلِكَ مِنْكَ يا أَبا شُرَيْحٍ، إنَّ الحَرَمَ لا يُعِيذُ عاصِياً ولا فارًّا بِدَمٍ، ولا فارًّا بِخُرْبَةٍ. خُرْبَةٌ: بَلِيَّةٌ. [راجع: ١٠٤]

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(1) (Ch.8) Trees: Naturally grown only, neither planted nor sowed by you.

(9) CHAPTER. The game in the *Haram* (Sanctuary) should not be chased or disturbed.

(٩) بابٌ: لا يُنَفَّرُ صَيْدُ الحَرَم

1833. Narrated Ibn 'Abbās رَضِيَ الله عَنْهُما : The Prophet ﷺ said, "Allāh has made Makkah a sanctuary, so it was a sanctuary before me and will continue to be a sanctuary after me. It was made legal for me (i.e., I was allowed to fight in it) for a few hours of a day. It is not allowed to uproot its shrubs or to cut its trees, or to chase (or disturb) its game, or to pick up its *Luqata* (fallen things) except by a person who would announce that (what he has found) publicly." Al-'Abbās said, "O Allāh's Messenger! Except *Al-Idhkhir* (a kind of grass) (for it is used) by our goldsmiths and for our graves." The Prophet ﷺ then said, "Except *Al-Idhkhir*." 'Ikrima said, "Do you know what 'chasing or disturbing' the game means? It means driving it out of the shade to occupy its place."(1)

١٨٣٣ - حَدَّثَنا مُحَمَّدُ بنُ المُثَنَّى: حدَّثنا عَبْدُ الوَهابِ: حدَّثنا خالِدٌ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما أَنَّ النَّبِيَّ ﷺ قالَ: «إنَّ اللهَ حَرَّمَ مَكَّةَ فَلَمْ تَحِلَّ لأَحَدٍ قَبْلي، وَلا تَحِلُّ لأَحَدٍ بَعْدِي، وَإنَّما أُحِلَّتْ لي ساعَةً مِنْ نَهارٍ لا يُخْتَلى خَلاها، وَلا يُعْضَدُ شَجَرُها، وَلا يُنَفَّرُ صَيْدُها، وَلا تُلْتَقَطُ لُقَطَتُها إلَّا لِمُعَرِّفٍ». وقالَ العَبَّاسُ: يا رَسُولَ اللهِ، إلَّا الإذْخِرَ لِصَاغَتِنا وَقُبُورِنا. فَقالَ: «إلَّا الإذْخِرَ». وَعَنْ خالِدٍ عَنْ عِكْرِمَةَ قالَ: هَلْ تَدْرِي ما «لا يُنَفَّرُ صَيْدُها»؟ هُوَ أَنْ يُنَحِّيَهُ مِنَ الظِّلِّ، يَنزِلُ مَكانَهُ. [راجع: ١٣٤٩]

(10) CHAPTER. Fighting is prohibited in Makkah.

(١٠) بابٌ: لا يَحِلُّ القِتالُ بِمَكَّةَ،

Narrated Abū Shuraih that the Prophet ﷺ said, "It is forbidden to shed blood in Makkah."

وقالَ أَبو شُرَيْحٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ: «لا يَسْفِكُ بها دَماً».

1834. Narrated Ibn 'Abbās رَضِيَ الله عَنْهُما: On the day of the conquest of Makkah, the Prophet ﷺ said, "There is no more emigration (from Makkah) but *Jihād* and intentions(2), and whenever you are called for *Jihād*, you should go immediately. No doubt, Allāh has made this place (Makkah) a

١٨٣٤ - حَدَّثَنا عُثمانُ بن أَبي شَيْبَةَ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ مُجاهِدٍ، عَنْ طاوُسٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبِيُّ ﷺ يَوْمَ افْتَتَحَ مَكَّةَ: «لا هِجْرَةَ وَلكِنْ

(1) (H.1833) 'Aṭā' and Mujāhid disagree with 'Ikrima for they think that it is permissible to dismiss the game, unless that brings about its death.
(2) (H.1834) i.e., you must have intention to participate in *Jihād* when there is call for it.

sanctuary since the creation of the heavens and the earth, and will remain a sanctuary till the Day of Resurrection as Allāh has ordained its sanctity. Fighting was not permissible in it for anyone before me, and even for me it was allowed only for a portion of a day. So, it is a sanctuary with Allāh's sanctity till the Day of Resurrection. Its thorns should not be uprooted and its game should not be chased; and its *Luqaṭa* (fallen things) should not be picked up except by one who would announce that publicly, and its vegetation (grass etc.) should not be cut." Al-'Abbās said, "O Allāh's Messenger! Except *Al-Idhkhir* (for it is used by their blacksmiths, and for their domestic purposes)." So, the Prophet ﷺ said, "Except *Al-Idhkhir*."

جِهادٌ وَنِيَّةٌ، وَإِذَا اسْتُنْفِرْتُمْ فانْفِرُوا، فإنَّ هذا بَلَدٌ حَرَّمَ اللهُ يَوْمَ خَلَقَ السَّمٰوَاتِ وَالأَرْضَ، وَهُوَ حَرَامٌ بِحُرْمَةِ اللهِ إِلى يَوْمِ القِيامَةِ. وإنَّهُ لَا يَحِلُّ القِتَالُ فِيهِ لأَحَدٍ قَبْلِي وَلَمْ يَحِلَّ لي إلَّا ساعَةً مِنْ نَهارٍ، فَهُوَ حَرَامٌ بِحُرْمَةِ اللهِ إِلى يَوْمِ القِيامَةِ لا يُعْضَدُ شَوْكُهُ، وَلا يُنَفَّرُ صَيْدُهُ، وَلا يَلْتَقِطُ لُقَطَتَهُ إِلَّا مَنْ عَرَّفَها وَلا يُخْتَلى خَلاها». قالَ العَبَّاسُ: يا رَسُولَ اللهِ، إِلَّا الإذْخِرَ فإنَّهُ لِقَيْنِهِمْ ولِبُيُوتِهِمْ، قالَ: «إِلَّا الإذْخِرَ».
[راجع: ١٣٤٩]

(11) CHAPTER. Cupping (i.e., letting out of the blood medically) for a *Muḥrim*.

(١١) بابُ الحِجامَةِ لِلْمُحْرِمِ،

Ibn 'Umar branded his son while he was in a state of *Iḥrām*, and it is permissible for a *Muḥrim* to take medicine on condition that it does not contain any perfume.

وكَوَى ابنُ عُمَرَ ابْنَهُ وَهُوَ مُحْرِمٌ، ويَتَدَاوَى مَا لَمْ يَكُنْ فِيهِ طِيبٌ.

1835. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ was cupped while he was in a state of *Iḥrām*.

١٨٣٥ - حَدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ قالَ: قالَ لَنا عَمْرٌو: أَوَّلُ شَيْءٍ سَمِعْتُ عَطاءً يَقُولُ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: احْتَجَمَ رَسُولُ اللهِ ﷺ وهُوَ مُحْرِمٌ. ثُمَّ سَمِعْتُهُ يَقُولُ: حدَّثَنِي طاوُسٌ، عَنِ ابنِ عَبَّاسٍ»، فَقُلْتُ: لَعَلَّهُ سَمِعَهُ مِنْهُما. [انظر: ١٩٣٨، ١٩٣٩، ٢١٠٣، ٢٢٧٨، ٢٢٧٩، ٥٦٩١، ٥٦٩٤، ٥٦٩٥، ٥٦٩٩، ٥٧٠٠، ٥٧٠١]

1836. Narrated Ibn Buḥaina رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ, while in the state of *Iḥrām*,

١٨٣٦ - حَدَّثَنا خالِدُ بنُ مَخْلَدٍ:

حدَّثنا سُلَيْمانُ بنُ بِلالٍ، عَنْ عَلْقَمَةَ بنِ أَبي عَلْقَمَةَ، عَنْ عَبْدِ الرَّحْمٰنِ الأَعْرَجِ، عَنِ ابنِ بُحَيْنَةَ رَضِيَ اللهُ عَنْهُ قالَ: احْتَجَمَ النَّبيُّ ﷺ وهُوَ مُحْرِمٌ بِلَحْيِ جَمَلٍ في وَسَطِ رَأْسِهِ.

[انظر: ٥٦٩٨]

was cupped at the middle of his head at Laḥye-Jamal.

(١٢) بابُ تَزْوِيجِ المُحْرِمِ

(12) CHAPTER. The marrying of a *Muḥrim*.

١٨٣٧ - حدَّثنا أَبو المُغِيرَةِ عَبْدُ القُدُّوسِ بنُ الحَجَّاجِ: حدَّثنا الأَوْزاعِيُّ: حدَّثني عَطاءُ بنُ رَباحٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أَنَّ النَّبيَّ ﷺ تَزَوَّجَ مَيْمُونَةَ وهُوَ مُحْرِمٌ.

[انظر: ٤٢٥٨، ٤٢٥٩، ٥١١٤]

1837. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ married Maimūna while he was in the state of *Iḥrām*, (only the ceremonies of marriage were held).

(١٣) بابُ مَا يُنْهَى مِنَ الطِّيبِ للمُحْرِمِ والمُحْرِمَةِ،

(13) CHAPTER. What is forbidden for a *Muḥrim* (male or female) as regards perfumes.

وقالَتْ عائِشَةُ رَضِيَ اللهُ عَنْهَا: لا تَلْبَسُ المُحْرِمَةُ ثَوْباً بِوَرْسٍ أَو زَعْفَرانٍ.

'Āishah رَضِيَ اللهُ عَنْهَا said, "A woman in the state of *Iḥrām* should not wear clothes perfumed with *Wars* or saffron."

١٨٣٨ - حَدَّثَنا عَبْدُ اللهِ بنُ يَزِيدَ: حدَّثَنا اللَّيْثُ: حدَّثنا نافِعٌ، عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: قامَ رَجُلٌ فَقالَ: يا رَسُولَ اللهِ، ماذَا تَأْمُرُنا أَنْ نَلْبَسَ مِنَ الثِّيابِ في الإِحْرامِ؟ فَقالَ النَّبيُّ ﷺ: «لا تَلْبَسُوا القُمُصَ، ولا السَّراوِيلاتِ، ولا العَمائِمَ، ولا البَرانِسَ إِلَّا أَنْ يَكُونَ أَحَدٌ لَيْسَتْ له نَعْلانِ فَلْيَلْبَسِ الخُفَّيْنِ ولْيَقْطَعْ أَسْفَلَ مِنَ الكَعْبَيْنِ. ولا

1838. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: A person stood up and asked, "O Allāh's Messenger! What clothes may be worn in the state of *Iḥrām*?" The Prophet ﷺ replied, "Do not wear a shirt or trousers, or any headgear (e.g., a turban), or a hooded cloak; but if somebody has no shoes he can wear leather stockings, provided they are cut short off the ankles, and also, do not wear anything perfumed with *Wars* or saffron, and the *Muḥrima* (a woman in the state of *Iḥrām*) should not cover her face, and should not wear gloves."

تَلْبَسُوا شَيْئاً مَسَّه زَعْفَرَانٌ ولا الوَرْسُ. ولا تَنْتَقِبِ المُحْرِمَةُ ولا تَلْبَسِ القُفَّازَيْنِ». تابَعَهُ مُوسَى بنُ عُقْبَةَ وإسمَاعِيلُ بنُ إبْرَاهِيمَ بنِ عُقْبَةَ وجُوَيْرِيَةُ وابنُ إسحاقَ في النِّقابِ والقُفَّازَيْنِ. وقالَ عُبَيْدُ اللهِ: «ولا وَرْسٌ». وكانَ يَقُولُ: «لا تَنْتَقِبِ المُحْرِمَةُ ولا تَلْبَسِ القُفَّازَيْنِ». وقالَ مالكٌ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ: «لا تَتَنَقَّبِ المُحْرِمَةُ». وتابَعَهُ لَيْثُ بنُ أبي سُلَيم. [راجع: ١٣٤]

1839. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: A man was crushed to death by his she-camel and was brought to Allāh's Messenger ﷺ who said, "Give him a bath and shroud him, but do not cover his head, and do not bring any perfume near to him, as he will be resurrected reciting *Talbīya*."

١٨٣٩ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنِ الحَكَمِ، عَنْ سَعِيدِ بنِ جُبَيرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: وقَصَتْ بِرَجُلٍ مُحْرِمٍ ناقَتُه فَقَتَلَتْهُ، فأُتِيَ بِهِ رَسُولُ اللهِ ﷺ فَقالَ: «اغسِلُوهُ وكَفِّنُوهُ، ولا تُغَطُّوا رَأْسَهُ، ولا تُقَرِّبُوهُ طيباً، فإنَّهُ يُبْعَثُ يُهِلُّ».

(14) CHAPTER. The taking of a bath by a *Muḥrim*.

(١٤) بابُ الاغْتِسالِ للمُحْرِمِ،

And Ibn 'Abbās رَضِيَ اللهُ عَنْهُما said that a *Muḥrim* could enter a bathroom (for a bath), and Ibn 'Umar and 'Āishah رضى الله عنهم did not think that there was any harm in scratching the body.

وقالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: يَدْخُلُ المُحْرِمُ الحَمَّامَ. ولَمْ يَرَ ابنُ عُمَرَ وعائِشَةُ بالحَكِّ بأساً.

1840. Narrated 'Abdullāh bin Ḥunain: 'Abdullāh bin Al-'Abbās and Al-Miswar bin Makhrama differed at Al-Abwā'; Ibn 'Abbās said that a *Muḥrim* could wash his head; while Al-Miswar maintained that he should not do so. 'Abdullāh bin 'Abbās sent me to

١٨٤٠ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ زَيْدِ بنِ أَسْلَمَ، عَنْ إبْرَاهِيمَ بنِ عَبْدِ اللهِ بنِ حُنَيْنٍ، عَنْ أَبِيهِ: أَنَّ عَبْدَ اللهِ بنَ

العَبَّاسِ، والمِسْوَرَ بنَ مخرَمَةَ اخْتَلَفا بالأَبْواءِ، فَقالَ عَبْدُ اللهِ بنُ عَبَّاسٍ: يَغْسِلُ المُحْرِمُ رَأْسَهُ. وقالَ المِسْوَرُ: لا يَغْسِلُ المُحْرِمُ رَأْسَهُ. فأَرْسَلَني عَبْدُ اللهِ بنُ العَبَّاسِ إلى أَبي أَيُّوبَ الأنْصارِيِّ فَوَجَدْتُهُ يَغْتَسِلُ بَينَ القَرْنَينِ. وهُوَ يُسْتَرُ بِثَوْبٍ فَسَلَّمْتُ عَلَيْهِ. فَقالَ: مَنْ هذا؟ فَقُلْتُ: أَنا عَبْدُ اللهِ بنُ حُنَينٍ، أَرْسَلَني إِلَيْكَ عَبْدُ اللهِ بنُ العَبَّاسِ يَسْأَلُكَ كَيْفَ كانَ رَسُولُ اللهِ ﷺ يَغْسِلُ رَأْسَهُ وهُوَ مُحْرِمٌ؟ فَوَضَعَ أَبو أَيُّوبَ يَدَهُ عَلى الثَّوْبِ فَطَأْطَأهُ حتَّى بَدَا لي رَأْسُهُ. ثُمَّ قالَ لإِنْسانٍ يَصُبُّ عَلَيْهِ: اصْبُبْ فَصَبَّ عَلى رَأْسِهِ ثُمَّ حَرَّكَ رَأْسَهُ بِيَدَيْهِ فأَقْبَلَ بِهِما وَأَدْبَرَ، وقالَ هكَذا رَأَيْتُهُ ﷺ يَفْعَلُ.

Abū Ayyūb Al-Anṣārī and I found him bathing between the two wooden posts (of the well) and was screened with a sheet of cloth. I greeted him and he asked who I was. I replied, "I am 'Abdullāh bin Ḥunain, and I have been sent to you by Ibn 'Abbās to ask you how Allāh's Messenger ﷺ used to wash his head while in the state of *Iḥrām*." Abū Ayyūb Al-Anṣārī caught hold of the sheet of cloth and lowered it till his head appeared before me, and then told somebody to pour water on his head. He poured water on his head, and he (Abū Ayyūb) rubbed his head with his hands by bringing them from back to front and from front to back and said, "I saw the Prophet ﷺ doing like this."

(١٥) بابُ لُبْسِ الخُفَّينِ لِلْمُحْرِمِ إِذَا لَمْ يَجِدِ النَّعْلَينِ

(15) CHAPTER. Wearing of *Khuff* (leather stockings) by a *Muḥrim* if slippers are not available (but one has to cut short the *Khuff* below the ankles).

١٨٤١ - حَدَّثَنا أَبو الوَلِيدِ: حدَّثَنا شُعْبَةُ قالَ: أَخْبَرَني عَمْرُو بنُ دِينارٍ: سَمِعْتُ جابِرَ بنَ زَيْدٍ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: سَمِعْتُ النَّبيَّ ﷺ يَخْطُبُ بِعَرَفاتٍ: «مَنْ لَمْ يَجِدِ النَّعْلَينِ فَلْيَلْبَسِ الخُفَّيْنِ، ومَنْ لَمْ يَجِدْ إِزاراً فَلْيَلْبَسِ السَّراوِيلَ لِلْمُحْرِمِ». [راجع: ١٧٤٠]

1841. Narrated Ibn 'Abbās رَضِيَ الله عَنهُما: I heard the Prophet ﷺ delivering a *Khuṭba* (religious talk) at 'Arafāt saying, "If a *Muḥrim* does not find slippers, he could wear *Khuff* (but he has to cut short the *Khuff* below the ankles), and if he does not find an *Izār* (a waist-sheet for wrapping the lower-half of the body) he could wear trousers."

1842. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ was asked: What sort of clothes a *Muḥrim* should wear? He replied, "He should not wear a shirt, turbans, trousers, a hooded cloak, or a dress perfumed with saffron or *Wars*; and if slippers are not available he can wear *Khuff* but he should cut them so that they reach below the ankles.

١٨٤٢ - حَدَّثَنَا أَحْمَدُ بن يُونُسَ: حدَّثَنا إبْرَاهِيمُ بن سَعْدٍ: حدَّثَنا ابن شِهابٍ، عَنْ سالِمٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ: سُئِلَ رَسُولُ اللهِ ﷺ: ما يَلْبَسُ المُحْرِمُ مِنَ الثِّيابِ؟ فَقالَ: «لا يَلْبَسُ القَمِيصَ، ولا العَمائِمَ، ولا السَّرَاوِيلاتِ ولا البُرْنُسَ ولا ثَوْباً مَسَّه زَعْفَرَانٌ ولا وَرْسٌ. وإنْ لَمْ يَجِدْ نَعْلَينِ فَلْيَلْبَسِ الخُفَّينِ ولْيَقْطَعْهُما حتَّى يَكُونا أَسْفَلَ مِنَ الكَعْبَينِ».

[راجع: ١٣٤]

(16) CHAPTER. If an *Izār* is not available, one (i.e., a *Muḥrim*) can wear trousers.

(١٦) بابٌ: إِذَا لَمْ يَجِدِ الإِزَارَ فَلْيَلْبَسِ السَّرَاوِيلَ

1843. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ delivered a *Khuṭba* (religious talk) at 'Arafāt and said, "Whoever does not get an *Izār* can wear trousers, and whoever cannot get a pair of shoes (slippers) can wear *Khuff*."

١٨٤٣ - حَدَّثَنَا آدَمُ: حدَّثَنا شُعْبَةُ: حدَّثَنا عَمْرُو بنُ دِينارٍ، عَنْ جابِرِ بنِ زَيْدٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: خَطَبَنا النَّبِيُّ ﷺ بِعَرَفاتٍ فَقالَ: «مَنْ لَمْ يَجِدِ الإِزَارَ فَلْيَلْبَسِ السَّرَاوِيلَ، ومَنْ لَمْ يَجِدِ النَّعْلَينِ فَلْيَلْبَسِ الخُفَّينِ».

[راجع: ١٧٤٠]

(17) CHAPTER. Carrying of arms by a *Muḥrim*.

(١٧) بابُ لُبْسِ السِّلاحِ للمُحْرِمِ،

According to 'Ikrima one can carry arms if he fears the enemy, but the *Fidya* (compulsory penalty) has to be paid. No religious scholar agrees with him on necessitating the *Fidya*.

وقالَ عِكْرِمَةُ: إِذَا خَشِيَ العَدُوَّ لَبِسَ السِّلاحَ وافْتَدَى، ولَمْ يُتابَعْ عَلَيْهِ في الفِدْيَةِ.

1844. Narrated Al-Barā' رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ assumed *Iḥrām* for *'Umra* in the

١٨٤٤ - حَدَّثَنَا عُبَيْدُ اللهِ، عَنْ

month of Dhul-Qa'da but the (*Mushrikūn*) people of Makkah refused to admit him into Makkah till he agreed on the condition that he would not bring into Makkah any arms but sheathed.

(18) CHAPTER. Entering the *Haram* and Makkah without assuming *Ihrām*.

And Ibn 'Umar entered (without *Ihrām*); but the Prophet ﷺ ordered those intending to perform *Hajj* or *'Umra* to assume *Ihrām*, but he did not mention the wood-cutters and the like (i.e., those who frequent the sanctuary of Makkah).

1845. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ fixed Dhul-Hulaifa as the *Mīqāt* (the place for assuming *Ihrām*) for the people of Al-Madīna, and Qarn-al-Manāzil for the people of Najd, and Yalamlam for the people of Yemen. These *Mawāqīt* are for those people and also for those who come through these *Mawāqīt* (from places other than the abovementioned) with the intention of (performing) *Hajj* and *'Umra*. And those living inside these *Mawāqīt* can assume *Ihrām* from the place where they start; even the people of Makkah can assume *Ihrām* (for *Hajj* only) from Makkah.

1846. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ entered Makkah in the year of its conquest wearing an Arabian helmet on his head(1), and when the Prophet ﷺ took it off, a person came and said, "Ibn Khatal is holding the covering of the Ka'bah

إِسْرَائِيلَ، عَنْ أَبِي إِسحاقَ، عَنِ البَرَاءِ رَضِيَ اللهُ عَنْهُ: اعْتَمَرَ رَسُولُ اللهِ ﷺ في ذِي القَعْدَةِ فأَبى أَهْلُ مَكَّةَ. أَنْ يَدَعُوهُ يَدْخُلُ مَكَّةَ حتَّى قاضاهُمْ لا يُدْخِلُ مَكَّةَ سلاحاً إِلَّا في القِرَابِ. [راجع: ١٧٨١]

(١٨) بابُ دُخُولِ الحَرَمِ ومَكَّةَ بغَيرِ إِحْرَامٍ،

وَدَخَلَ ابنُ عُمَرَ، وإِنَّما أَمَرَ النَّبِيُّ ﷺ بالإِهْلالِ لِمَنْ أَرَادَ الحَجَّ والعُمْرَةَ، ولَمْ يَذْكُرْ الحَطَّابِيْنَ وغَيرَهِمْ.

١٨٤٥ - حَدَّثَنا مُسْلِمٌ: حَدَّثَنا وُهَيْبٌ: حَدَّثَنا ابنُ طاوُسٍ، عَنْ أَبِيهِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أَنَّ النَّبِيَّ ﷺ وقَّتَ لأَهْلِ المَدِينَةِ ذَا الحُلَيْفَةِ، ولأَهْلِ نَجْدٍ قَرْنَ المَنازِلِ، ولأَهْلِ اليمَنِ يَلَمْلَمَ، هُنَّ لَهُنَّ ولِكُلِّ آتٍ أَتَى عَلَيْهِنَّ مِنْ غَيرِهِمْ مِمَّنْ أَرَادَ الحَجَّ والعُمْرَةَ. فمَنْ كانَ دُونَ ذلكَ فمِنْ حَيْثُ أَنْشَأَ حتَّى أَهْلُ مَكَّةَ مِنْ مَكَّةَ. [راجع: ١٥٢٤]

١٨٤٦ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالكٌ، عَنِ ابنِ شِهابٍ، عَنْ أَنَسِ بنِ مالكٍ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ دَخَلَ عامَ

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(1) (H.1846) A *Muhrim* is not allowed to cover his head. The fact that the Prophet's head was covered while entering Makkah indicates that he had entered Makkah as a non-*Muhrim*.

(taking refuge in the Ka'bah)." The Prophet ﷺ said, "Kill him."[1]

الفَتْح وعَلى رَأْسِهِ المِغْفَرُ، فَلَمَّا نَزَعَهُ جاءَهُ رَجُلٌ فَقالَ: إِنَّ ابنَ خَطَلٍ مُتَعَلِّقٌ بِأَسْتارِ الكَعْبَةِ، فَقالَ: «اقْتُلُوهُ».

[انظر: ٣٠٤٤، ٤٢٨٦، ٥٨٠٨]

(19) CHAPTER. If somebody ignorantly assumed *Ihrām* while wearing a shirt (will *Fidya* be compulsory?).

(١٩) بابٌ: إِذا أَحْرَمَ جاهِلاً وعَلَيْهِ قَمِيصٌ،

'Aṭā' said, "There is no penalty on a *Muhrim* who perfumes himself or wears stitched clothes out of ignorance or forgetfulness."

وقالَ عَطاءٌ: إِذا تَطَيَّبَ أَو لَبِسَ جاهِلاً أَو ناسِياً فَلا كَفَّارَةَ عَلَيْهِ.

1847. Narrated Ya'lā رَضِيَ اللهُ عَنْهُ: While I was with Allāh's Messenger ﷺ there came to him a man wearing a cloak having a trace of yellowish perfume or a similar thing on it. 'Umar used to say to me, "Would you like to see the Prophet ﷺ at the time when he is being inspired Divinely?" So, it happened that he was inspired (then) and when the Revelation was over the Prophet ﷺ said (to that man), "Do in your *'Umra* the same as you do in your *Hajj*."

١٨٤٧ - حَدَّثَنا أَبُو الوَلِيْدِ: حَدَّثَنا هَمَّامٌ: حَدَّثَنا عَطاءٌ قالَ: حَدَّثَنِي صَفْوانُ ابنُ يَعْلَى بنِ أُمَيَّةَ، عَنْ أَبِيهِ قالَ: كُنْتُ مَعَ رَسُولِ اللهِ ﷺ فَأَتاهُ رَجُلٌ عَلَيْهِ جُبَّةٌ فِيْهِ أَثَرُ صُفْرَةٍ أَوْ نَحْوُهُ، كانَ عُمَرُ يَقُولُ لِي: تُحِبُّ إِذا نَزَلَ عَلَيْهِ الوَحْيُ أَن تَراهُ؟ فَنَزَلَ عَلَيْهِ ثُمَّ سُرِّيَ عَنْهُ فَقالَ عليه الصَّلاةُ وَالسَّلامُ: «اصْنَعْ في عُمْرَتِكَ ما تَصنَعُ في حَجِّكَ». [راجع: ١٥٣٦]

1848. A man bit the hand of another man but in that process the latter broke one incisor tooth of the former, and the Prophet ﷺ forgave the latter.[2]

١٨٤٨ - وعَضَّ رَجُلٌ يَدَ رَجُلٍ، يَعْنِي فانْتَزَعَ ثَنِيَّتَهُ فأَبْطَلَهُ النَّبِيُّ ﷺ.

[انظر: ٢٢٦٥، ٢٩٧٣، ٤٤١٧، ٦٨٩٣]

(20) CHAPTER. A *Muhrim* died at 'Arafāt and the Prophet ﷺ did not order anybody to finish the remaining ceremonies of *Hajj* on his behalf.

(٢٠) بابُ المُحْرِمِ يَمُوتُ بِعَرَفَةَ ولَمْ يأْمُرِ النَّبِيُّ ﷺ أَنْ يُؤَدَّى عَنْهُ بَقِيَّةُ الحَجِّ

1849. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما:

١٨٤٩ - حَدَّثَنا سُلَيْمانُ بنُ

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(1) (H.1846) Allāh's Messenger ﷺ, on conquering Makkah, forgave all the people of Makkah except some persons who had committed nasty crimes against Islām and Muslims.

(2) (H.1848) This piece of narration is a part of *Hadīth* No. 6892, Vol. 9.

حَرْبٍ: حدَّثنا حَمَّادُ بنُ زَيْدٍ، عَنْ عَمْرِو بنِ دِينارٍ، عَنْ سَعِيدِ بنِ جُبَيرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: بَيْنا رَجُلٌ وَاقِفٌ مَعَ النَّبِيِّ ﷺ بِعَرَفَةَ إِذْ وَقَعَ عَنْ رَاحِلَتِهِ فَوَقَصَتْهُ أَوْ قالَ: فأَقْعَصَتْهُ. فَقالَ النَّبِيُّ ﷺ: «اغْسِلُوهُ بِماءٍ وسِدْرٍ وكَفِّنُوهُ في ثَوْبَينِ، أَوْ قالَ: ثَوْبَيْهِ، ولا تُخَمِّرُوا رَأْسَهُ ولا تُحَنِّطُوهُ، فإِنَّ اللهَ يَبْعَثُهُ يَوْمَ القِيامَةِ يُلَبِّي».

While a man was standing with the Prophet ﷺ at 'Arafāt, he fell from his *Rahila* (mount) and his neck was crushed by it. The Prophet ﷺ said, "Wash the deceased with water and *Sidr* and shroud him in two pieces of cloth, and neither perfume him nor cover his head, for Allāh will resurrect him on the Day of Resurrection and he will be reciting *Talbīya*."

١٨٥٠ - **حَدَّثَنا** سُلَيْمانُ بنُ حَرْبٍ: حدَّثنا حَمَّادٌ، عَنْ أَيُّوبَ، عَنْ سَعِيدِ بن جُبَيرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: بَيْنا رَجُلٌ وَاقِفٌ مَعَ النَّبِيِّ ﷺ بِعَرَفَةَ إِذْ وَقَعَ عَنْ رَاحِلَتِهِ فَوَقَصَتْهُ أَوْ قالَ: فأَوْقَصَتْهُ، فَقالَ النَّبِيُّ ﷺ: «اغْسِلُوهُ بِماءٍ وسِدْرٍ وكَفِّنُوهُ في ثَوْبَينِ، ولا تَمَسُّوهُ طِيباً ولا تُخَمِّرُوا رَأْسَهُ ولا تُحَنِّطُوهُ، فإِنَّ اللهَ يَبْعَثُهُ يَوْمَ القِيامَةِ مُلَبِّياً».

1850. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: While a man was standing with the Prophet ﷺ at 'Arafāt, he fell from his *Rahila* (mount) and his neck was crushed by it. The Prophet ﷺ said, "Wash the deceased with water and *Sidr* and shroud him in two pieces of cloth, and neither perfume him nor cover his head, for Allāh will resurrect him on the Day of Resurrection and he will be reciting *Talbīya*."

(٢١) **باب** سُنَّةِ المُحْرِمِ إِذا ماتَ

(21) CHAPTER. The legal way of (burying) a dead *Muhrim*.

١٨٥١ - **حَدَّثَنا** يَعْقُوبُ بنُ إِبْرَاهِيمَ: حدَّثنا هُشَيْمٌ: أَخبرَنا أَبُو بِشْرٍ، عَنْ سَعِيدِ بن جُبَيرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أَنَّ رَجُلاً كانَ مَعَ النَّبِيِّ ﷺ فَوَقَصَتْهُ ناقَتُهُ وهُوَ مُحْرِمٌ فماتَ فَقالَ رَسُولُ اللهِ ﷺ:

1851. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: A man was in the company of the Prophet ﷺ and his she-camel crushed his neck while he was in a state of *Ihrām* and he died. Allāh's Messenger ﷺ said, "Wash him with water and *Sidr* and shroud him in his two garments; neither perfume him nor cover his head, for he will be resurrected on the Day of Resurrection reciting *Talbīya*."

«اغْسِلُوهُ بِماءٍ وسِدْرٍ وكَفِّنُوهُ في ثَوْبَيْهِ ولا تَمَسُّوهُ بطيبٍ ولا تُخَمِّرُوا رَأْسَهُ فإنَّهُ يُبْعَثُ يَوْمَ القِيامَةِ مُلَبِّياً».

(22) CHAPTER. To perform *Ḥajj* on behalf of a dead person and to fulfil his vows. A man can perform *Ḥajj* on behalf of a woman.

(٢٢) بابُ الحَجِّ والنُّذُورِ عَنِ المَيِّتِ، والرَّجُلُ يَحُجُّ عَنِ المَرْأَةِ

1852. Narrated Ibn 'Abbās رَضِيَ الله عَنْهُما: A woman from the tribe of Juhaina came to the Prophet ﷺ and said, "My mother had vowed to perform *Ḥajj* but she died before performing it. May I perform *Ḥajj* on my mother's behalf?" The Prophet ﷺ replied, "Perform *Ḥajj* on her behalf. Had there been a debt on your mother, would you have paid it or not? So, pay Allāh's debt as He has more right to be paid."

١٨٥٢ - حَدَّثَنا مُوسَى بنُ إسمَاعِيلَ: حدَّثنا أبُو عَوَانَةَ عَنْ أبي بِشْرٍ: عَنْ سَعِيدِ بنِ جُبَيْرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أَنَّ امْرَأةً مِنْ جُهَيْنَةَ جاءَتْ إلى النَّبِيِّ ﷺ فَقالَتْ: إنَّ أُمِّي نَذَرَتْ أنْ تَحُجَّ فَلَمْ تَحُجَّ حتَّى ماتَتْ، أفأَحُجُّ عَنْها؟ قالَ: «نَعَمْ، حُجِّي عَنْها، أرَأيْتِ لَوْ كانَ عَلى أُمِّكِ دَيْنٌ، أكُنْتِ قاضِيَتَهُ؟ اقْضوا اللهَ، فاللهُ أحَقُّ بالوَفاءِ».

[انظر: ٦٦٩٩، ٧٣١٥]

(23) CHAPTER. Performing *Ḥajj* for a person who cannot sit firmly on the mount.

(٢٣) بابُ الحَجِّ عَمَّنْ لا يَسْتَطِيعُ الثُّبوتَ عَلى الرَّاحِلَةِ

1853. Narrated Faḍl bin 'Abbās رَضِيَ الله عَنْهُما: A woman...

١٨٥٣ - حَدَّثَنا أبُو عاصِمٍ، عَنِ ابنِ جُرَيْجٍ، عَنِ ابنِ شِهابٍ، عَنْ سُلَيْمانَ بنِ يَسارٍ، عَنِ ابنِ عَبَّاسٍ، عَنِ الفَضْلِ بنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُ: أنَّ امْرَأةً ح.

1854. Narrated Faḍl bin 'Abbās رَضِيَ الله عَنْهُما: A woman from the tribe of Khath'am came in the year (of *Ḥajjat-ul-Wadā'* of the Prophet ﷺ) and said, "O Allāh's Messenger! My father has come under Allāh's obligation of performing *Ḥajj* but he is a very old man and cannot sit properly on his *Rahilā* (mount). Will the obligation be fulfilled if I

١٨٥٤ - حدَّثنا مُوسَى بنُ إسماعِيلَ: حدَّثَنا عَبْدُ العَزِيزِ بنُ أبي سَلَمَةَ، عَنْ ابنِ شِهابٍ، عَنْ سُلَيْمانَ بنِ يَسارٍ، عَنِ الفَضْلِ بنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: جاءَتِ امْرَأةٌ

مِنْ خَثْعَمَ عامَ حَجَّةِ الوَدَاعِ، قالَتْ: يا رَسُولَ اللهِ، إِنَّ فَرِيضَةَ اللهِ عَلَى عِبَادِهِ في الحَجِّ أَدْرَكَتْ أَبي شَيْخاً كَبِيراً لا يَسْتَطِيعُ أَنْ يَسْتَوِيَ عَلى الرَّاحِلَةِ فَهَلْ يَقْضِي عَنْهُ أَنْ أَحُجَّ عَنْهُ؟ قالَ: «نَعَمْ». [راجع: ١٥١٣]

perform *Ḥajj* on his behalf?" The Prophet ﷺ replied in the affirmative.

(٢٤) بابٌ حَجِّ المَرْأَةِ عَنِ الرَّجُلِ

(24) CHAPTER. Performing *Ḥajj* by a woman on behalf of a man.

١٨٥٥ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنِ ابنِ شِهابٍ، عَنْ سُلَيْمانَ ابنِ يَسارٍ، عَنْ عَبْدِ اللهِ بنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: كانَ الفَضْلُ رَدِيفَ النَّبِيِّ ﷺ فَجاءَتِ امْرَأَةٌ مِنْ خَثْعَمَ فَجَعَلَ الفَضْلُ يَنْظُرُ إِلَيْها وتَنْظُرُ إِلَيْهِ، فَجَعَلَ النَّبِيُّ ﷺ يَصْرِفُ وجْهَ الفَضْلِ إِلى الشِّقِّ الآخَرِ، فَقالَتْ: إِنَّ فَرِيضَةَ اللهِ أَدْرَكَتْ أَبي شَيْخاً كَبِيراً لا يَثْبُتُ على الرَّاحِلَةِ، أَفَأَحُجُّ عَنْهُ؟ قالَ: «نَعَمْ»، وذلكَ في حَجَّةِ الْوَدَاعِ. [راجع: ١٥١٣]

1855. Narrated 'Abdullāh bin 'Abbās رَضِيَ الله عَنْهُما: Al-Faḍl was riding behind the Prophet ﷺ and a woman from the tribe of Khath'am came up. Al-Faḍl started looking at her and she looked at him. The Prophet ﷺ turned Al-Faḍl's face to the other side. She said, "My father has come under Allāh's obligation of performing *Ḥajj* but he is a very old man and cannot sit properly on his *Rahilā* (mount). Shall I perform *Ḥajj* on his behalf? The Prophet ﷺ replied in the affirmative. That happened during *Ḥajjat-ul-Wadā'* of the Prophet ﷺ.

(٢٥) بابٌ حَجِّ الصِّبْيانِ

(25) CHAPTER. The *Ḥajj* of boys (children etc.)

١٨٥٦ - حَدَّثَنَا أَبُو النُّعْمانِ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ، عَنْ عُبَيْدِ اللهِ بنِ أَبي يَزِيدَ، قالَ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: بَعَثَني أَوْ قَدَّمَني النَّبِيُّ ﷺ في الثَّقَلِ مِنْ جَمْعٍ بِلَيْلٍ».

1856. Narrated Ibn 'Abbās رَضِيَ الله عَنْهُما: The Prophet ﷺ sent me (to Mina) with the luggage from *Jam'* (i.e., Al-Muzdalifa) at night.

1857. Narrated 'Abdullāh bin 'Abbās رَضِيَ اللهُ عَنْهُما: I came riding on my she-ass and had (just) then attained the age of puberty. Allāh's Messenger ﷺ was offering *Ṣalāt* at Mina. I passed in front of a part of the first row and then dismounted from it, and the animal started grazing. I aligned with the people behind Allāh's Messenger ﷺ. (The subnarrator added that happened in Mina during the Prophet's *Ḥajjat-ul-Wadā'*.)

١٨٥٧ - حَدَّثَنَا إسحَاقُ: أَخْبَرَنَا يَعْقُوبُ بنُ إبْرَاهِيمَ: حدَّثَنَا ابنُ أَخِي ابنِ شِهابٍ، عَنْ عَمِّهِ: أَخْبرَنِي عُبَيْدُ اللهِ بنُ عَبْدِ اللهِ بنِ عُتْبَةَ بنِ مَسْعُودٍ: أَنَّ عَبْدَ اللهِ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: أَقْبَلْتُ وقَدْ ناهَزْتُ الحُلُمَ أَسِيرُ عَلى أَتَانٍ لِي ورَسُولُ اللهِ ﷺ قائمٌ يُصَلِّي بِمِنًى حتَّى سِرْتُ بَينَ يَدَيْ بَعْضِ الصفِّ الأَوَّلِ، ثُمَّ نَزَلْتُ عَنْها فَرَتَعتْ، فَصَفَفْتُ مَعَ النَّاسِ وَرَاءَ رَسُولِ اللهِ ﷺ. وقالَ يُونُسُ، عَنِ ابنِ شِهابٍ: بِمِنًى في حَجَّةِ الوَدَاعِ. [راجع: ٧٦]

1858. Narrated As-Sā'ib bin Yazīd رَضِيَ اللهُ عَنْهُ (while in the company of my parents) I was made to perform *Ḥajj* with Allāh's Messenger ﷺ and I was a seven-year-old boy then.
(*Fatḥ-Al-Bārī*, Vol. 4, Page 442)

١٨٥٨ - حَدَّثَنَا عَبْدُ الرَّحْمٰنِ بنُ يُونُسَ: حدَّثَنا حاتِمُ بنُ إسمَاعِيلَ، عَنْ مُحَمَّدِ بنِ يُوسُفَ، عَنِ السَّائِبِ بنِ يَزِيدَ قالَ: حُجَّ بِي مَعَ رَسُولِ اللهِ ﷺ وأَنَا ابنُ سَبْعِ سِنِينَ.

1859. Narrated Al-Ju'aid bin 'Abdur-Raḥmān: I heard 'Umar bin 'Abdul 'Azīz telling about As-Sā'ib bin Yazīd that he had performed *Ḥajj* (while carried) with the belongings of the Prophet ﷺ.

١٨٥٩ - حَدَّثَنَا عَمْرُو بنُ زُرَارَةَ: أَخْبرَنا القاسِمُ بنُ مالِكٍ، عَنِ الجُعَيْدِ بنِ عَبْدِ الرَّحْمٰنِ قالَ: سَمِعْتُ عُمَرَ بنَ عَبْدِ العَزِيزِ يَقُولُ للسَّائِبِ بنِ يَزِيدَ، وكانَ قَدْ حُجَّ بِهِ في ثَقَلِ النَّبِيِّ ﷺ. [انظر: ٦٧١٢، ٧٣٣٠]

(26) CHAPTER. *Ḥajj* of women.

(٢٦) بابُ حَجِّ النِّساءِ

1860. Narrated Ibrahim's grand-father that 'Umar رَضِيَ اللهُ عَنْهُ in his last *Ḥajj* allowed the wives of the Prophet ﷺ to perform *Ḥajj*; and he sent with them 'Uthmān bin 'Affān and 'Abdur-Raḥmān

١٨٦٠ - وقالَ لِي أَحْمَدُ بنُ مُحَمَّدٍ: حدَّثَنا إبْراهِيمُ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَذِنَ عُمَرُ رَضِيَ اللهُ عَنْهُ

bin 'Aūf as escorts.

لأَزْواجِ النَّبِيِّ ﷺ في آخِرِ حَجَّةٍ حَجَّها فَبَعَثَ مَعَهُنَّ عُثمانَ بنَ عَفَّانَ وعَبْدَ الرَّحْمٰنِ.

1861. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا (Mother of the faithful believers): I said, "O Allāh's Messenger! Shouldn't we participate in Holy battles and *Jihād* along with you" He replied, "The best and the most superior *Jihād* (for women) is *Ḥajj* – *Ḥajj Mabrūr*, – which is accepted by Allāh." 'Āishah added: Ever since I heard that from Allāh's Messenger ﷺ I have determined not to miss *Ḥajj*.

١٨٦١ - **حَدَّثَنا** مُسَدَّدٌ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا حَبِيبُ بنُ أَبي عَمْرَةَ قالَ: حدَّثَتْنا عائِشَةُ بِنْتُ أَبي طَلْحَةَ، عَنْ عائِشَةَ أُمِّ المُؤْمِنِينَ رَضِيَ اللهُ عَنْها، قالَتْ: قُلْتُ: يا رَسُولَ اللهِ، أَلا نَغْزو أَوْ نُجاهِدُ مَعَكُمْ؟ فَقالَ: «لٰكِنَّ أَحْسَنَ الجِهادِ وأَجْمَلَهُ الحَجُّ، حَجٌّ مَبْرُورٌ». فَقالَتْ عائِشَةُ: فَلا أَدَعُ الحَجَّ بَعْدَ إِذ سَمِعْتُ هذا مِنْ رَسُولِ اللهِ ﷺ. [راجع: ١٥٢٠]

1862. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "A woman should not travel except with a *Dhū-Maḥram* (her husband or a man with whom that woman cannot marry at all according to the Islāmic Jurisprudence), and no man may visit a woman except in the presence of a *Dhū-Maḥram*." A man got up and said, "O Allāh's Messenger! I intend to go (for *Jihād*) with such and such an army and my wife wants to perform *Ḥajj*." The Prophet ﷺ said (to him), "Go along with her (to *Ḥajj*)."

١٨٦٢ - **حَدَّثَنا** أَبُو النُّعْمانِ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ، عَنْ عَمْرٍو، عَنْ أَبي مَعْبَدٍ مَوْلى ابنِ عَبَّاسٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما، قالَ: قالَ النَّبِيُّ ﷺ: «لا تُسافِرِ المَرْأَةُ إِلَّا مَعَ ذِي مَحْرَمٍ، ولا يَدْخُلُ عَلَيْها رَجُلٌ إِلَّا وَمَعَها مَحْرَمٌ»، فَقالَ رَجُلٌ: يا رَسُولَ اللهِ، إِنِّي أُرِيد أَنْ أَخْرجَ في جَيْشِ كَذَا وكَذَا وامْرَأَتي تُرِيدُ الحَجَّ، فَقالَ: «اخْرُجْ مَعَها». [انظر: ٣٠٠٦، ٣٠٦١، ٥٢٣٣]

1863. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: When the Prophet ﷺ returned after performing his *Ḥajj*, he asked Umm Sinān Al-Anṣārıyah, "What forbid you from performing *Ḥajj*?" She replied, "Father of so-and-so (i.e., her husband) had two camels

١٨٦٣ - **حَدَّثَنا** عَبْدانُ: أَخْبَرَنا يَزِيدُ ابنُ زُرَيْعٍ: حَدَّثَنا حَبِيبٌ المُعَلِّمُ، عَنْ عَطاءٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: لَمَّا رَجَعَ النَّبِيُّ

and he performed *Hajj* on one of them, and the second is used for the irrigation of our land." The Prophet ﷺ said (to her), "Perform *'Umra* in the month of Ramaḍān, (as it) is equivalent to *Hajj* or performing *Hajj* with me (in reward)."

[See H.1782]

ﷺ مِنْ حَجَّتِهِ قالَ لأُمِّ سِنانٍ الأَنْصارِيَّةِ: «ما مَنَعَكِ مِنَ الحَجِّ»؟ قالَتْ: أَبو فُلانٍ، تَعْنِي زَوْجَها، حَجَّ عَلى أَحَدِهِمَا، والآخَرُ يَسْقِي أَرْضاً لَنا، قالَ: «فإنَّ عُمْرَةً في رَمَضانَ تَقْضِي حَجَّةً أَوْ حَجَّةً مَعِي». رَوَاهُ ابنُ جُرَيْجٍ، عَنْ عَطاءٍ: سَمِعْتُ ابنَ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ. وقالَ عُبَيْدُ اللهِ، عَنْ عَبْدِ الكَرِيمِ، عَنْ عَطاءٍ، عَنْ جابِرٍ عَنِ النَّبِيِّ ﷺ.

[راجع: ١٧٨٢]

1864. Narrated Qaza'a, the slave of Ziyād: Abū Sa'īd who participated in twelve *Ghazwāt* with the Prophet ﷺ said, "I heard four things from Allāh's Messenger ﷺ (or I narrate them from the Prophet ﷺ) which won my admiration and appreciation. They are:

1. "No lady should travel without her husband or without a *Dhū-Mahram* for a two days' journey.
2. No observance of *Saum* (fasting) is permissible on two days of *'Eid-al-Fitr*, and *'Eid-al-Adhā*.
3. No *Salāt* (prayer) (may be offered) after two *Salāt*: after the *'Asr* prayer till the sunset and after the morning *Salāt* (prayer) till the sun rises.
4. Not to travel (for visiting) except for three mosques: *Masjid-al-Harām* (in Makkah), my Mosque (at Al-Madīna), and *Masjid-al-Aqsā* (in Jerusalem)."

١٨٦٤ - حَدَّثَنا سُلَيْمانُ بنُ حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ عَبْدِ المَلِكِ بنِ عُمَيْرٍ، عَنْ قَزَعَةَ مَوْلَى زِيادٍ قالَ: سَمِعْتُ أَبا سَعِيدٍ وقَدْ غَزَا مَعَ النَّبِيِّ ﷺ ثِنْتي عَشْرَةَ غَزْوَةً، قالَ: أَرْبَعٌ سَمِعْتُهُنَّ مِنْ رَسُولِ اللهِ ﷺ، أَوْ قالَ: يُحَدِّثُهُنَّ عَنِ النَّبِيِّ ﷺ، فأَعْجَبْنَنِي وآنَقْنَنِي: «أَنْ لا تُسافِرَ امْرَأَةٌ مَسِيرَةَ يَوْمَينِ لَيْسَ مَعَها زَوْجُها أَوْ ذُو مَحْرَمٍ. ولا صَوْمَ يَوْمَينِ: الفِطْرِ والأَضْحَى. ولا صَلاةَ بَعْدَ صَلاتَيْنِ، بَعْدَ العَصْرِ حتَّى تَغْرُبَ الشَّمْسُ، وبَعْدَ الصُّبْحِ حتَّى تَطْلُعَ الشَّمْسُ، ولا تُشَدُّ الرِّحالُ إلَّا إلى ثَلاثَةِ مَساجِدَ: مَسْجِدِ الحَرامِ، ومَسْجِدِي، ومَسْجِدِ الأَقْصَى».

[راجع: ٥٨٦]

(27) CHAPTER. Whoever vowed to go on foot to the Ka'bah.

1865. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ saw an old man walking, supported by his two sons, and asked about him. The people informed him that he had vowed to go on foot (to the Ka'bah). He said, "Allāh is not in need of this old man's torturing himself;" and ordered him to ride.

1866. Narrated 'Uqba bin 'Āmir رضي الله عنه: My sister vowed to go on foot to the Ka'bah, and she asked me to take the verdict of the Prophet ﷺ about it. So, I did and the Prophet ﷺ said, "She should walk and also should ride."

(٢٧) بابٌ مَنْ نَذَرَ المَشْيَ إِلى الكَعْبَةِ

١٨٦٥ - حَدَّثَنَا محمَّدُ بْنُ سَلامٍ: أخْبرَنا الفَزَارِيُّ، عَنْ حُمَيْدٍ الطَّوِيلِ قالَ: حدَّثَنِي ثابتٌ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ رَأَى شَيْخاً يُهادَى بَينَ ابْنَيْهِ، قالَ: «ما بالُ هذَا؟» قالُوا: نَذَرَ أَنْ يَمْشِيَ، قالَ: «إنَّ اللهَ عَنْ تَعْذِيبِ هذَا نَفْسَهُ لَغَنِيٌّ»، أَمَرَهُ أَنْ يَرْكَبَ. [انظر: ٦٧٠١]

١٨٦٦ - حَدَّثَنَا إِبْرَاهِيمُ بنُ مُوسَى: أَخْبرَنا هِشامُ بنُ يُوسُفَ أَنَّ ابنَ جُرَيْجٍ أَخْبرَهُمْ قالَ: أَخْبرَنِي سَعِيدُ بنُ أَبي أيُّوبَ: أَنَّ يَزِيدَ بنَ أَبي حَبِيبٍ أَخْبَرَهُ: أَنَّ أبا الخَيرِ حدَّثَهُ، عَنْ عُقْبَةَ بنِ عامِرٍ قالَ: نَذَرَتْ أُخْتِي أَنْ تَمْشِيَ إِلى بَيْتِ اللهِ وأَمَرَتْنِي أَن أَسْتَفْتِيَ لها النَّبيَّ ﷺ فاسْتَفْتَيْتُ النَّبيَّ ﷺ فَقالَ ﷺ: «لِتَمْشِ ولِتَرْكَبْ»، قالَ: وكانَ أَبُو الخَيرِ لا يُفارِقُ عُقْبَةَ. قَالَ أَبُو عَبْدِ اللهِ: حَدَّثَنا أَبُو عاصِمٍ، عَنِ ابنِ جُرَيْجٍ، عَنْ يَحْيى ابنِ أَيُّوبَ، عَنْ يَزِيدَ، عَنْ أَبي الخَيرِ، عَنْ عُقْبَةَ، فَذَكَرَ الحَدِيثَ.

29 - THE BOOK ABOUT THE VIRTUES OF AL-MADĪNA

٢٩ - كتاب فضائل المدينة

(1) CHAPTER. ***Haram*** **(sanctuary) of Al-Madīna.**

(١) **بابُ** حَرَمِ المَدِينَةِ

1867. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, Al-Madīna is a sanctuary from that place to that. Its trees should not be cut and no heresy should be innovated nor any sin should be committed in it, and whoever innovates in it an heresy or commits sins (bad deeds), then he will incur the curse of Allāh, the angels, and all the people."

[See Vol. 9, *Hadīth* No. 7306]

١٨٦٧ - **حَدَّثَنَا** أَبُو النُّعْمانِ: حدَّثَنا ثابِتُ بنُ يَزِيدَ: حدَّثَنا عاصِمٌ أَبُو عَبْدِ الرَّحْمٰنِ الأَحْوَلُ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «المَدِينَةُ حَرَمٌ مِنْ كَذَا إِلى كَذَا. لا يُقْطَعُ شَجَرُها، ولا يُحْدَثُ فِيها حَدَثٌ. مَنْ أَحْدَثَ فِيْهَا حَدَثاً فَعَلَيْهِ لَعْنَةُ اللهِ والمَلائِكَةِ والنَّاسِ أَجْمَعِينَ». [انظر: ٧٣٠٦]

1868. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ came to Al-Madīna and ordered a mosque to be built and said, "O Banī Najjār! Suggest to me the price (of your land)." They said, "We do not want its price except from Allāh" (i.e., they wished for a reward from Allāh for giving up their land free). So, the Prophet ﷺ ordered the graves of the *Mushrikun* to be dug out and the land to be levelled, and the date-palm trees to be cut down. The cut date-palms were fixed in the direction of the *Qiblah* of the mosque.

١٨٦٨ - **حَدَّثَنَا** أَبُو مَعْمَرٍ: حدَّثَنا عَبْدُ الوَارِثِ، عَنْ أَبي التَّيَّاحِ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: قَدِمَ النَّبِيُّ ﷺ المَدِينَةَ وأَمَرَ بِبناءِ المَسْجِدِ فَقالَ: «يا بَنِي النَّجَّارِ ثامِنُوني»، فَقالُوا: لا نَطْلُبُ ثَمَنَهُ إِلَّا إِلى اللهِ، فأَمَرَ بِقُبُورِ المُشْرِكِينَ فَنُبِشَتْ ثُمَّ بالخِرَبِ فَسُوِّيَتْ، وبِالنَّخْلِ فَقُطِعَ فَصَفُّوا النَّخْلَ قِبْلَةَ المَسْجِدِ. [راجع: ٢٣٤]

1869. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "I have made Al-Madīna a sanctuary between its two (*Harra*) mountains." The Prophet ﷺ went to the tribe of Banī Hāritha and said (to them), "I see that you have gone out of the sanctuary," but looking around, he added, "No, you are inside the sanctuary."

١٨٦٩ - **حَدَّثَنَا** إِسماعِيلُ بنُ عَبْدِ اللهِ قالَ: حدَّثَني أَخي، عَنْ سُلَيْمانَ، عَنْ عُبَيْدِ اللهِ بنِ عُمَرَ، عَنْ سَعِيدٍ المَقْبُرِيِّ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ أَنَّ النَّبِيَّ ﷺ قالَ: «حُرِّمَ ما بَيْنَ لابَتَي المَدِينَةِ عَلى لِسانِي»، قالَ:

وأتى النَّبيَّ ﷺ بَني حارِثَةَ فَقالَ: «أراكُمْ يا بَنِي حارِثَةَ قَدْ خَرَجْتُمْ مِنَ الحَرَمِ»، ثُمَّ التَفَتَ فَقالَ: «بَلْ أَنْتُمْ فِيهِ». [انظر: ١٨٧٣]

١٨٧٠ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا عَبْدُ الرَّحْمٰنِ: حدَّثَنا سُفْيانُ، عَنِ الأعمَشِ، عَنْ إبْراهِيمَ التَّيْمِيِّ، عَنْ أَبِيهِ، عَنْ عليٍّ رَضِيَ اللهُ عَنْهُ قالَ: ما عِنْدَنا شَيْءٌ إلَّا كِتابُ اللهِ وهذِهِ الصَّحِيفَةُ عَنِ النَّبِيِّ ﷺ: «المَدِينَةُ حَرَمٌ ما بَيْنَ عائِرٍ إلى كَذا، مَنْ أحدَثَ فيها حدَثاً أَوْ آوَى مُحْدِثاً فَعَلَيْهِ لَعْنَةُ اللهِ والمَلائِكَةِ والنَّاسِ أجمَعِينَ، لَا يُقْبَلُ مِنْهُ صَرْفٌ ولا عَدْلٌ»، وقالَ: «ذِمَّةُ المُسْلِمِينَ وَاحِدَةٌ، فَمَنْ أَخفَرَ مُسْلِماً فَعلَيْهِ لَعْنَةُ اللهِ والمَلائِكَةِ والنَّاسِ أجمَعِينَ، لا يُقْبَلُ مِنْهُ صَرْفٌ ولا عَدْلٌ. ومَنْ تَوَلَّى قَوْماً بِغَيرِ إِذْنِ مَوَالِيهِ، فَعَلَيْهِ لَعْنَةُ اللهِ والمَلائِكَةِ والنَّاسِ أجمَعِينَ، لا يُقْبَلُ مِنْهُ صَرْفٌ ولا عَدْلٌ». قال أبُو عبدِ اللهِ: عَدْلٌ: فِداءٌ [راجع: ١١١]

1870. Narrated 'Alī رَضِيَ اللهُ عَنْهُ: We have nothing except the Book of Allāh (the Qur'ān) and this written paper from the Prophet ﷺ (wherein it written:) "Al-Madīna is a sanctuary from the 'Āer mountain to such and such a place, and whoever innovates in it an heresy or commits a sin, or gives shelter to such an innovator or sinner in it, will incur the curse of Allāh, the angels, and all the people, none of his compulsory or optional good deeds of worship will be accepted. And the asylum (of protection) granted by any Muslim is to be secured (respected) by all the other Muslims; and whoever betrays a Muslim in this respect incurs the curse of Allāh, the angels, and all the people, and none of his compulsory or optional good deeds of worship will be accepted, and whoever (freed slave) takes as masters other than his manumitters without their permission incurs the curse of Allāh, the angels, and all the people, and none of his compulsory or optional good deeds of worship will be accepted."

(٢) بابُ فَضْلِ المَدِينَةِ وأَنَّها تَنْفِي النَّاسَ

(2) CHAPTER. Superiority of Al-Madīna. And that it expells (evil, vicious) persons.

١٨٧١ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخبرَنا مالِكٌ، عَنْ يَحْيى بنِ سَعِيدٍ قالَ: سَمِعْتُ أبا الحُبابِ سَعِيدَ بنَ يَسارٍ يَقُولُ: سَمِعْتُ أبا هُرَيْرَةَ

1871. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "I was ordered to migrate to a town which will swallow (conquer) other towns and is called Yathrib and that is Al-Madīna, and it turns out (bad) persons as a furnace removes the impurities of iron.

رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «أُمِرْتُ بِقَرْيَةٍ تأكُلُ القُرَى، يَقُولونَ: يَثْرِبُ، وهِيَ المَدِينَةُ تَنْفِي النَّاسَ كما يَنْفِي الكِيرُ خَبَثَ الحَدِيدِ».

(3) CHAPTER. Al-Madīna is also called Ṭāba.

(٣) بابٌ: المَدِينَةُ طابَةُ

1872. Narrated Abū Humaid رَضِيَ اللهُ عَنْهُ: We came with the Prophet ﷺ from Tabūk, and when we reached near Al-Madīna, the Prophet ﷺ said, "This is Ṭāba."

١٨٧٢ - حَدَّثَنا خالِدُ بنُ مَخْلَدٍ: حدَّثَنا سُلَيْمانُ قالَ: حدَّثَني عَمْرُو بنُ يَحْيى، عَنْ عَبَّاسِ بنِ سَهْلِ بن سَعْدٍ، عَنْ أَبي حُمَيْدٍ رَضِيَ اللهُ عَنْهُ: أَقْبَلْنا مَعَ النَّبِيِّ ﷺ مِنْ تَبُوكَ حتَّى أشْرَفْنا على المَدِينَةِ فَقالَ: «هٰذِهِ طابَةٌ». [راجع: ١٤٨١]

(4) CHAPTER. The two mountains of Al-Madīna.

(٤) بابٌ لابَتَي المَدِينَةِ

1873. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: If I saw deers grazing in Al-Madīna, I would not chase them, for Allāh's Messenger ﷺ: said, "(Al-Madīna is a sanctuary) between its two mountains."

١٨٧٣ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبرَنا مالكٌ، عَنِ ابنِ شِهابٍ، عَنْ سَعِيدِ بن المُسَيَّبِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ أَنَّهُ كانَ يَقُولُ: لَوْ رَأَيْتُ الظِّباءَ بالمَدِينَةِ تَرْتَعُ ما ذَعَرْتُها. قالَ رَسُولُ اللهِ ﷺ: «ما بَينَ لابَتَيْها حَرَامٌ». [راجع: ١٨٦٩]

(5) CHAPTER. (What about) the one who avoids (runs away) from living in Al-Madīna?

(٥) بابٌ مَنْ رَغِبَ عَنِ المَدِينَةِ

1874. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: I heard Allāh's Messenger ﷺ saying, "The people will leave Al-Madīna in spite of the best state it will have, and none except the wild birds and the beasts of prey will live in it,

١٨٧٤ - حَدَّثَنا أَبُو اليَمانِ: أَخْبرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أَخْبرَني سَعِيدُ ابنُ المُسَيَّبِ أَنَّ أبا

and the last persons who will die will be two shepherds from the tribe of Muzaina, who will be driving their sheep towards Al-Madīna, but will find nobody in it, and when they will reach the valley of Thanīya-tal-Wadā', they will fall down on their faces, dead."

هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «تَتْرُكُونَ المَدِينَةَ عَلى خَيرِ ما كانَتْ، لا يَغْشاها إلَّا العَوافِ» يُرِيدُ عَوافِيَ السِّباعِ والطَّيرِ «وآخِرُ مَنْ يُحْشَرُ راعِيانِ مِنْ مُزَيْنَةَ يُرِيدانِ المَدِينَةَ، يَنْعِقانِ بِغَنَمِهِما فَيَجِدانِها وُحُوشًا حَتَّى إذا بَلَغا ثَنِيَّةَ الوَداعِ خَرَّا عَلى وُجُوهِهِما».

1875. Narrated Sufyān bin Abū Zuhair رَضِيَ اللهُ عَنْهُ: I heard Allāh's Messenger ﷺ saying, "Yemen will be conquered and some people will migrate (from Al-Madīna) and will urge their families, and those who will obey them to migrate (to Yemen), although Al-Madīna will be better for them; if they but knew. Sham will also be conquered and some people will migrate (from Al-Madīna) and will urge their families and those who will obey them to migrate (to Sham), although Al-Madīna will be better for them; if they but knew. Iraq will be conquered and some people will migrate (from Al-Madīna) and will urge their families and those who will obey them to migrate (to Iraq), although Al-Madīna will be better for them; if they but knew."

١٨٧٥ - **حَدَّثَنَا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ هِشامِ بنِ عُرْوَةَ عَنْ أَبِيهِ، عَنْ عَبْدِ اللهِ بنِ الزُّبَيرِ، عَنْ سُفْيانَ بنِ أَبي زُهَيرٍ رَضِيَ اللهُ عَنْهُ أَنَّهُ قالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «تُفْتَحُ اليَمَنُ فَيَأْتِي قَوْمٌ يُبِسُّونَ فَيَتَحَمَّلُونَ بِأَهْلِيهِمْ ومَنْ أَطاعَهُمْ، والمَدِينَةُ خَيرٌ لَهُمْ لَوْ كانُوا يَعْلَمُونَ. وتُفْتَحُ الشَّامُ فَيَأْتِي قَوْمٌ يُبِسُّونَ فَيَتَحَمَّلُونَ بِأَهْلِيهِمْ ومَنْ أَطاعَهُمْ، والمَدِينَةُ خَيرٌ لَهُمْ لَوْ كانُوا يَعْلَمُونَ. وتُفْتَحُ العِراقُ فَيَأْتِي قَوْمٌ يُبِسُّونَ فَيَتَحَمَّلُونَ بِأَهْلِيهِمْ ومَنْ أَطاعَهُمْ، والمَدِينَةُ خَيرٌ لَهُمْ لَوْ كانُوا يَعْلَمُونَ».

(6) CHAPTER. *Imān* (Belief) returns and goes back to Al-Madīna.

(٦) بابٌ: الإيمانُ يأرِزُ إلى المَدِينَةِ

1876. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Verily, Belief returns and goes back to Al-Madīna as a

١٨٧٦ - **حَدَّثَنَا** إبْراهِيمُ بنُ المُنْذِرِ: حَدَّثَنا أَنَسُ بنُ عِياضٍ قالَ:

حدَّثني عُبَيْدُ اللهِ، عَنْ خُبَيبِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ حَفْصِ بنِ عاصِمٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «إنَّ الإيمانَ لَيَأْرِزُ إلى المَدِينَةِ، كما تَأْرِزُ الحَيَّةُ إلى جُحْرِها».

snake returns and goes back to its hole (when in danger).”

(٧) بابٌ إثم مَنْ كادَ أهْلَ المَدِينَةِ

(7) CHAPTER. Sin of that person who betrays and harms the people of Al-Madīna.

١٨٧٧ - حدَّثنا حُسَيْنُ بنُ حُرَيْثٍ: أخبرنا الفَضْلُ، عَنْ جُعَيْدٍ، عَنْ عائِشَةَ قالَتْ: سَمِعْتُ سَعْداً رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «لا يَكِيدُ أهْلَ المَدِينَةِ أحَدٌ إلَّا انْماعَ، كَما يَنْماعُ المِلْحُ في الماءِ».

1877. Narrated Sa‘d رضي الله عنه: I heard the Prophet ﷺ saying, “None plots against the people of Al-Madīna but that he will be dissolved (destroyed) like the salt is dissolved in water.”

(٨) بابٌ آطامِ المَدِينَةِ

(8) CHAPTER. The high buildings of Al-Madīna.

١٨٧٨ - حدَّثنا عَلِيُّ بنُ عبدِ اللهِ: حدَّثنا سُفيانُ: حدَّثنا ابنُ شِهابٍ قالَ: أخبرني عُرْوَةُ قالَ: سَمِعْتُ أُسامَةَ رَضِيَ اللهُ عَنْهُ قالَ: أشْرَفَ النَّبِيُّ ﷺ عَلَى أُطُمٍ مِنْ آطامِ المَدِينَةِ فَقالَ: «هَلْ تَرَوْنَ ما أرَى؟ إنِّي لأرَى مَواقِعَ الفِتَنِ خِلالَ بُيُوتِكُمْ كَمَواقِعِ القَطْرِ». تابَعَهُ مَعْمَرٌ وسُلَيْمانُ بنُ كَثِيرٍ، عَنِ الزُّهْرِيِّ. [انظر: ٢٤٦٧، ٣٥٩٧، ٧٠٦٠]

1878. Narrated Usāma رضي الله عنه: Once the Prophet ﷺ stood at the top of a castle amongst the castles (or the high buildings) of Al-Madīna and said, “Do you see what I see? (No doubt) I see the places or spots of *Al-Fitan* (trials and afflictions) among your houses (and these *Fitan* will be) as numerous as the spots where rain-drops fall.”

(٩) بابٌ: لا يَدْخُلُ الدَّجَّالُ المَدِينَةَ

(9) CHAPTER. *Ad-Dajjāl* will not be able to enter Al-Madīna.

١٨٧٩ - حَدَّثَنَا عَبْدُ العَزِيزِ بنُ

1879. Narrated Abū Bakra رضي الله عنه: The

عَبْدِ اللهِ قالَ: حدَّثَني إبْرَاهِيمُ بنُ سَعْدٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ أَبِي بَكْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «لا يَدْخُلُ المَدِينَةَ رُعْبُ المَسيحِ الدَّجّالِ. لَهَا يَوْمَئِذٍ سَبْعَةُ أَبْوَابٍ، عَلى كُلِّ بابٍ مَلَكانِ». [انظر: ٧١٢٥، ٧١٢٦]

Prophet ﷺ said, "The terror caused by *Al-Masih Ad-Dajjāl* will not enter Al-Madīna and at that time Al-Madīna will have seven gates and there will be two angels at each gate (guarding Al-Madīna)."

١٨٨٠ - حَدَّثَنَا إسمَاعِيلُ قالَ: حدَّثَني مالكٌ، عَنْ نُعَيم بنِ عَبْدِ اللهِ المُجمِرِ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «عَلى أَنْقابِ المَدِينَةِ مَلائِكَةٌ لا يَدْخُلُها الطَّاعُونُ ولا الدَّجَّالُ». [انظر: ٥٧٣١، ٧١٣٣]

1880. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "There are angels guarding the entrances (or roads) of Al-Madīna, neither plague nor *Ad-Dajjāl* can enter it."

١٨٨١ - حَدَّثَنَا إبْرَاهِيمُ بنُ المُنْذِرِ: حدَّثَنا الوَلِيدُ: حدَّثَنا أَبو عَمْرٍو: حدَّثَنا إسحَاقُ: حدَّثَني أَنَسُ بنُ مالكٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «لَيْسَ مِنْ بَلَدٍ إلَّا سَيَطَؤُهُ الدَّجَّالُ إلَّا مَكَّةَ وَالمَدِينَةَ، لَيْسَ لَهُ مِنْ نِقابِها نَقْبٌ إلَّا عَلَيْهِ المَلائِكَةُ صَافِّينَ يَحْرُسُونَها، ثُمَّ تَرْجُفُ المَدِينَةُ بِأَهْلِها ثَلاثَ رَجَفاتٍ فَيُخْرِجُ اللهُ كُلَّ كافِرٍ ومُنافِقٍ». [انظر: ٧١٢٤، ٧١٣٤، ٧٤٧٣]

1881. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "There will be no town in which *Ad-Dajjāl* will not enter except Makkah and Al-Madīna, and there will be no entrance (road) (of both Makkah and Al-Madīna) but the angels will be standing in rows guarding it against him, and then Al-Madīna will shake with its inhabitants thrice (i.e., three earth-quakes will take place) and Allāh will expel all the disbelievers and the hypocrites from it."

١٨٨٢ - حَدَّثَنَا يَحْيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ: أَخْبرَني عُبَيْدُ اللهِ بنُ عَبْدِ

1882. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ told us a long narrative about *Ad-Dajjāl*, and among the many things he mentioned, was his saying, "*Ad-Dajjāl* will come and it will be forbidden

for him to pass through the entrances of Al-Madīna. He will land in some of the salty barren areas (outside) Al-Madīna; on that day the best man or one of the best men will come up to him and say, 'I testify that you are the same *Ad-Dajjāl* whose description was given to us by Allāh's Messenger ﷺ.' *Ad-Dajjāl* will say to the people, 'If I kill this man and bring him back to life again, will you doubt my claim?' They will say, 'No.' Then *Ad-Dajjāl* will kill that man and bring him back to life. That man will say, 'Now I know your reality better than before.' *Ad-Dajjāl* will say, 'I want to kill him (again) but I cannot.'"

اللهِ بنِ عُتْبَةَ، أَنَّ أَبا سَعِيدٍ الخُدْرِيَّ رَضِيَ اللهُ عَنْهُ قالَ: حدَّثَنا رَسُولُ اللهِ ﷺ حَدِيثاً طَوِيلاً عَنِ الدَّجَّالِ فَكانَ فِيما حدَّثَنا بِهِ أَنْ قالَ: «يأْتي الدَّجَّالُ - وهُوَ مُحَرَّمٌ عَلَيْهِ أَنْ يَدْخُلَ نِقابَ المَدِينَةِ - يَنْزِلُ بَعْضَ السِّباخِ الَّتي بالمَدِينَةِ، فَيَخْرُجُ إِلَيْهِ يَوْمَئِذٍ رَجُلٌ هُوَ خَيْرُ النَّاسِ أَوْ مِنْ خَيرِ النَّاسِ، فَيَقُولُ: أَشْهَدُ أَنَّكَ الدَّجَّالُ الَّذي حدَّثَنا عَنْكَ رَسُولُ اللهِ ﷺ حَدِيثَهُ، فَيَقُولُ الدَّجَّالُ: أَرَأَيْتَ إنْ قَتَلْتُ هذَا ثُمَّ أَحْيَيْتُهُ، هَلْ تَشُكُّونَ في الأَمْرِ؟ فَيَقُولُونَ: لا، فَيَقْتُلُهُ ثُمَّ يُحْيِيْهِ فَيَقُولُ حِينَ يُحْيِيْهِ: واللهِ ما كُنْتُ قَطُّ أَشَدَّ بَصِيرَةً مِنِّي اليَوْمَ، فَيَقُولُ الدَّجَّالُ: أَقْتُلُهُ فَلا يُسَلَّطُ عَلَيْهِ». [انظر: ٧١٣٢]

(10) CHAPTER. Al-Madīna expels *Al-Khabath* (all the evil and bad persons, etc.).

(١٠) بابٌ: المَدِينَةُ تَنفِي الخَبَثَ

1883. Narrated Jābir رَضِيَ اللهُ عَنْهُ: A bedouin came to the Prophet ﷺ and gave the *Bai'a* (pledge) for embracing Islām. The next day he came with fever and said (to the Prophet ﷺ), "Please cancel my pledge (of emigrating to Al-Madīna)." The Prophet ﷺ refused (that request) three times and said, "Al-Madīna is like a furnace, it expels out its *Khabath*" (the impurities - evil and bad persons etc.) and selects the good ones and makes them perfect."

١٨٨٣ - حَدَّثَنا عَمْرُو بنُ عَبَّاسٍ: حدَّثَنا عَبْدُ الرَّحْمٰنِ: حدَّثَنا سُفْيانُ، عَنْ مُحَمَّدِ ابنِ المُنْكَدِرِ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قَالَ: جاءَ أَعْرَابيٌّ إِلَى النَّبِيِّ ﷺ فَبايَعَهُ عَلى الإِسْلامِ. فَجاءَ مِنَ الغَدِ مَحْمُوماً فَقالَ: أَقِلْني، فأَبى ثَلاثَ مِرارٍ، فَقالَ: «المَدِينَةُ كالكِيرِ تَنْفِي خَبَثَها، وتَنْصَعُ طَيِّبَها». [انظر: ٧٢٠٩، ٧٢١١، ٧٢١٦، ٧٣٢٢]

1884. Narrated Zaid bin Thābit رَضِيَ اللهُ عَنْهُ: When the Prophet ﷺ went out for (the

١٨٨٤ - حَدَّثَنا سُلَيْمانُ بنُ

battle of) Uḥud, some of his companions (hypocrites) returned (home). A party of the believers remarked that they would kill those (hypocrites) who had returned, but another party said that they would not kill them. So, this Divine Revelation was revealed:

"Then what is the matter with you that you are divided into two parties about the hypocrites..." (V.4:88)

The Prophet ﷺ said, "Al-Madīna expels (the bad) persons from it, as fire expels the impurities of iron."

حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ عَدِيٍّ بنِ ثابِتٍ، عَنْ عَبْدِ اللهِ ابنِ يَزِيدَ قالَ: سَمِعْتُ زَيْدَ بنَ ثابِتٍ رَضِيَ اللهُ عَنْهُ يَقُولُ: لمَّا خَرَجَ رَسُولُ اللهِ ﷺ إلى أُحُدٍ رَجَعَ ناسٌ مِنْ أَصحَابِهِ فَقالَتْ فِرْقَةٌ: نَقْتُلُهُمْ، وقالَتْ فِرْقَةٌ: لا نَقْتُلُهُمْ. فَنزَلَتْ: ﴿فَمَا لَكُمْ فِي ٱلْمُنَٰفِقِينَ فِئَتَيْنِ﴾ [النساء: ٨٨] وقالَ النَّبِيُّ ﷺ: «إنَّها تَنْفِي الرِّجالَ كما تَنْفِي النَّارُ خَبَثَ الحَدِيدِ». [انظر: ٤٠٥٠، ٤٥٨٩]

CHAPTER.

بابٌ:

1885. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "O Allāh! Bestow on Al-Madīna twice the blessings You bestowed on Makkah."

١٨٨٥ - حدَّثَني عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا وَهْبُ بنُ جَرِيرٍ: حدَّثَنا أَبي: سَمِعْتُ يُونُسَ، عَنِ ابنِ شِهابٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «اللَّهُمَّ اجْعَلْ بالمَدِينَةِ ضِعْفَيْ ما جَعَلْتَ بِمَكَّةَ مِنَ البَرَكَةِ»، تابَعَهُ عُثمان بنُ عُمَرَ، عَنْ يُونُسَ.

1886. Narrated Anas رَضِيَ اللهُ عَنْهُ: Whenever the Prophet ﷺ returned from a journey and sighted the walls of Al-Madīna, he would make his mount go fast, and if he was on an animal (i.e., a horse), he would make it gallop because of his love for Al-Madīna.

١٨٨٦ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا إسمَاعِيلُ بنُ جَعْفَرٍ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ كانَ إذَا قَدِمَ مِنْ سَفَرٍ فَنَظَرَ إلى جُدُرَاتِ المَدِينَةِ أَوْضَعَ رَاحِلَتَهُ، وَإنْ كانَ عَلى دَابَّةٍ حَرَّكَها مِنْ حُبِّها. [راجع: ١٨٠٢]

(11) CHAPTER. The dislike of the Prophet ﷺ that Al-Madīna should be vacated.

(١١) بابُ كَرَاهِيَةِ النَّبِيِّ ﷺ أَنْ تُعْرَى المَدِينَةُ

1887. Narrated Anas رَضِيَ اللهُ عَنْهُ: (The people of) Banī Salama intended to shift near

١٨٨٧ - حدَّثَني ابنُ سَلامٍ،

the mosque (of the Prophet ﷺ) but Allāh's Messenger ﷺ disliked to see Al-Madīna vacated and said, "O the people of Bani Salama! Don't you think that you will be rewarded for you footsteps which you take towards the mosque?" So, they stayed at their old places.

أَخْبَرَنَا الْفَزَارِيُّ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قَالَ: أَرَادَ بَنُو سَلِمَةَ أَنْ يَتَحَوَّلُوا إِلَى قُرْبِ الْمَسْجِدِ، فَكَرِهَ رَسُولُ اللهِ ﷺ أَنْ تُعْرَى الْمَدِينَةُ، وقَالَ: «يا بَنِي سَلِمَةَ، أَلا تَحْتَسِبُونَ آثَارَكُمْ؟» فَأَقَامُوا.

[راجع: ٦٥٥]

(12) CHAPTER.

(١٢) بابٌ:

1888. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "There is a garden from the gardens of Paradise between my house and my pulpit, and my pulpit is on my *Haud* [Tank (*Al-Kauthar*)]".

١٨٨٨ - حَدَّثَنَا مُسَدَّدٌ، عَنْ يَحْيى، عَنْ عُبَيْدِ اللهِ بنِ عُمَرَ، قَالَ: حَدَّثَنِي خُبَيْبُ بنُ عَبْدِ الرَّحْمٰنِ، عَنْ حَفْصِ بنِ عاصِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «ما بَيْنَ بَيْتِي ومِنْبَرِي رَوْضَةٌ مِنْ رِيَاضِ الْجَنَّةِ، ومِنْبَرِي عَلَى حَوْضِي».

[راجع: ١١٩٦]

1889. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: When Allāh's Messenger ﷺ reached Al-Madīna, Abū Bakr and Bilāl became ill. When Abū Bakr's fever got worse, he would recite (this poetic verse):

"Everybody is staying alive with his people, yet death is nearer to him than his shoe laces."

And Bilāl, when his fever deserted him, would recite:

"Would that I could stay overnight in a valley wherein I would be surrounded by *Idhkhir* and *Jalīl* (kinds of good-smelling grass).

Would that one day I could drink the water of the Majinna, and would that (the two mountains) Shāma and Ṭafeel would appear to me!"

١٨٨٩ - حَدَّثَنَا عُبَيْدُ بنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قَالَتْ: لَمَّا قَدِمَ رَسُولُ اللهِ ﷺ الْمَدِينَةَ وُعِكَ أَبُو بَكْرٍ وبِلالٌ فَكَانَ أَبُو بَكْرٍ إِذَا أَخَذَتْهُ الْحُمَّى يَقُولُ:

كُلُّ امْرِئٍ مُصَبَّحٌ فِي أَهْلِهِ
وَالْمَوتُ أَدْنَى مِنْ شِرَاكِ نَعْلِهِ

وكَانَ بِلالٌ إِذَا أَقْلَعَ عَنْهُ الْحُمَّى يَرْفَعُ عَقِيرَتَهُ يَقُولُ:

أَلا لَيْتَ شِعْرِي هَلْ أَبِيتَنَّ لَيْلَةً
بِوَادٍ وحَوْلِي إِذْخِرٌ وجَلِيلُ

The Prophet ﷺ said, "O Allāh.! Curse Shaiba bin Rabī'a and 'Utba bin Rabī'a and Umaiyya bin Khalaf as they turned us out of our land to the land of epidemics." Allāh's Messenger ﷺ then said, "O Allāh! Make us love Al-Madīna as we love Makkah or even more than that. O Allāh! Give blessings in our *Ṣā'* and our *Mudd* (measures symbolising food) and make the climate of Al-Madīna suitable for us, and divert its fever towards Al-Juḥfa."

'Āishah رَضِيَ اللهُ عَنْها added: When we reached Al-Madīna, it was the most unhealthy of Allāh's lands, and the valley of Buṭhān (the valley of Al-Madīna) used to flow with impure, coloured water.

وهَلْ أَرِدَنْ يَوْماً مِياهَ مَجَنَّةٍ
وهَلْ يَبْدُوَنْ لي شامَةٌ وطَفِيلُ

قالَ: اللَّهُمَّ العَنْ شَيْبَةَ بنَ رَبِيعَةَ، وعُتْبَةَ بنَ رَبِيعَةَ، وأُمَيَّةَ بنَ خَلَفٍ، كما أَخْرَجُونا مِنْ أَرْضِنا إلى أَرْضِ الوَباءِ، ثُمَّ قالَ رَسُولُ اللهِ ﷺ: «اللَّهُمَّ حَبِّبْ إِلَيْنا المَدِينَةَ كَحُبِّنا مَكَّةَ أَوْ أَشَدَّ، اللَّهُمَّ بارِكْ لنا في صَاعِنا وفي مُدِّنا، وصَحِّحْها لَنا، وانْقُلْ حُمَّاها إلى الجُحْفَةِ». قالَتْ: وقَدِمْنا المَدِينَةَ وهِيَ أَوْبَأُ أَرْضِ اللهِ، قالَتْ: فَكانَ بُطْحانُ يَجْرِي نَجْلاً، تَعْنِي ماءً آجِناً. [انظر: ٣٩٢٦، ٥٦٥٤، ٥٦٧٧، ٦٣٧٢]

1890. Narrated Zaid bin Aslam that his father said, "Umar رَضِيَ اللهُ عَنْهُ said, 'O Allāh! Grant me martyrdom in Your Cause, and let my death be in the city of Your Messenger ﷺ.'"

١٨٩٠ - حَدَّثَنا يَحْيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ خالِدِ بنِ يَزِيدَ، عَنْ سَعِيدِ بنِ أَبي هِلالٍ، عَنْ زَيْدِ بنِ أَسْلَمَ، عَنْ أَبِيهِ عَنْ عُمَرَ رَضِيَ اللهُ عَنْهُ، قالَ: اللَّهُمَّ ارْزُقْنِي شَهادَةً في سَبِيلِكَ، واجْعَلْ مَوْتي في بَلَدِ رَسُولِكَ ﷺ. وقالَ ابنُ زُرَيْعٍ، عَنْ رَوْحِ بنِ القاسِمِ، عَنْ زَيْدِ بنِ أَسْلَمَ، عَنْ أُمِّهِ، عَنْ حَفْصَةَ بِنْتِ عُمَرَ رَضِيَ اللهُ عَنْهُما؛ قالَتْ: سَمِعْتُ عُمَرَ يَقُولُ: نَحْوَهُ، وقالَ هِشامٌ، عَنْ زَيْدٍ، عَنْ أَبِيهِ، عَنْ حَفْصَةَ: سَمِعْتُ عُمَرَ رَضِيَ اللهُ عَنْهُ.

30 – THE BOOK OF *AṢ-ṢAUM* [1] (THE FASTING)

٣٠ - كتاب الصوم

(1) CHAPTER. Fasting is obligatory in (the month of) Ramaḍān.

And the Statement of Allāh تعالى:

"O, you who believe! Observing *As-Ṣaum* (the fasting) is prescribed for you as it was prescribed for those before you, that you may become *Al-Muttaqūn*"[2]. [V.2:183].

(١) بابُ وُجُوبِ صَوْمِ رَمَضانَ،

وقَوْلِ اللهِ تَعالى: ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ كُتِبَ عَلَيۡكُمُ ٱلصِّيَامُ كَمَا كُتِبَ عَلَى ٱلَّذِينَ مِن قَبۡلِكُمۡ لَعَلَّكُمۡ تَتَّقُونَ﴾ [البقرة: ١٨٣].

1891. Narrated Ṭalḥā bin 'Ubaid-Ullāh: A bedouin with unkempt hair came to Allāh's Messenger ﷺ and said, "O Allāh's Messenger! Inform me what Allāh has made compulsory for me as regards *Aṣ-Ṣalāt* (the prayer)." He replied: "You have to perform the five compulsory *Ṣalāt* (*Iqamāt-Aṣ-Ṣalāt*) in a day and night (24 hours), unless you want to offer *Nawāfil*." The bedouin further asked, "Inform me what Allāh has made compulsory for me as regards fasting." He replied, "You have to observe *Ṣaum* (fast) during the whole month of Ramaḍān, unless you want to fast more as *Nawāfil*." The bedouin further asked, "Tell me how much *Zakāt* Allāh has enjoined on me." Thus, Allāh's Messenger ﷺ informed him about all the laws (i.e., fundamentals) of Islām. The bedouin then said, "By Him Who has honoured you, I will neither perform any *Nawāfil* nor will I decrease what Allāh has enjoined on me." Allāh's Messenger ﷺ said, "If he is saying the truth, he will succeed (or said, he will be granted Paradise)."

١٨٩١ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا إسمَاعِيلُ بنُ جَعْفَرٍ، عَنْ أَبي سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ طَلْحَةَ بنِ عُبَيْدِ اللهِ: أَنَّ أَعْرَابِياً جاءَ إلى رَسُولِ اللهِ ﷺ ثائِرَ الرَّأْسِ فَقالَ: يا رَسُولَ اللهِ، أَخْبِرْني ماذَا فَرَضَ اللهُ عليَّ مِنَ الصَّلاةِ؟ فَقالَ: «الصَّلَوَاتِ الخَمْسَ إلَّا أنْ تَطَّوَّعَ شَيْئاً». فَقالَ: أَخْبِرْني بما فَرَضَ اللهُ عَليَّ مِنَ الصِّيامِ؟ فَقالَ: «شَهْرَ رَمَضانَ إلَّا أنْ تَطَّوَّعَ شَيْئاً»، فَقالَ: أَخْبِرني ما فَرَضَ اللهُ عَليَّ مِنَ الزَّكاةِ. قالَ: فأَخْبَرَهُ رَسُولُ اللهِ ﷺ بِشَرَائِعِ الإسْلامِ. قالَ: والَّذِي أَكْرَمَكَ، لا أَتطوَّعُ شَيْئاً ولا أَنْقُصُ مِمَّا فَرَضَ اللهُ عَليَّ شَيْئاً. فَقالَ رَسُولُ اللهِ ﷺ: «أَفْلَحَ إنْ صَدَقَ، أَوْ دَخَلَ الجَنَّةَ إنْ صَدَقَ».

[راجع: ٤٦]

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(1) (Bk 30) The fasting, i.e., to not to eat or drink or have sexual relation etc. from before the *Adhān* of the *Fajr* (early morning) prayer till the sunset.

(2) (Ch.1) *Al-Muttaqūn* means pious and righteous persons who fear Allāh much (abstain from all kinds of sins and evil deeds which He has forbidden) and love Allāh much (perform all kinds of good deeds which He has ordained).

1892. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ observed the *Ṣaum* (fast) on the 10th of Muḥarram (*'Āshūra'*), and ordered (Muslims) to observe *Ṣaum* (fast) on that day, but when the fasting of the month of Ramaḍān was prescribed, the fasting of the *'Āshūra'* was abandoned. 'Abdullāh did not use to observe fast on that day unless it coincided with his routine fasting by chance.

١٨٩٢ - حَدَّثَنَا مُسَدَّدٌ: حدَّثنا إسمَاعِيلُ، عَنْ أَيُّوبَ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: صَامَ النَّبِيُّ ﷺ عاشُورَاءَ وأَمَرَ بِصِيامِهِ فَلَمَّا فُرِضَ رَمَضَانُ تُرِكَ، وكانَ عَبْدُ اللهِ لا يَصُومُهُ إِلَّا أَنْ يُوافِقَ صَوْمَهُ. [انظر: ٢٠٠٠، ٤٥٠١]

1893. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: (The tribe of) Quraish used to observe *Ṣaum* (fast) on the day of *'Āshurā'* in the Pre-Islāmic Period, and then Allāh's Messenger ﷺ ordered (Muslims) to observe *Ṣaum* (fast) on it till the fasting in the month of Ramaḍān was prescribed; whereupon the Prophet ﷺ said, "He who wants to fast (on *'Āshūra'*) may fast, and he who does not want to observe *Ṣaum* (fast) may not fast."

١٨٩٣ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا اللَّيْثُ، عَنْ يَزِيدَ بنِ أَبي حَبِيبٍ: أَنَّ عِرَاكَ ابنَ مالِكٍ حدَّثَهُ: أَنَّ عُرْوَةَ أَخْبَرَهُ عَن عائِشَةَ رَضِيَ اللهُ عَنْهَا: أَنَّ قُرَيْشاً كانَتْ تَصُومُ يَوْمَ عاشُورَاءَ في الجاهِلِيَّةِ، ثُمَّ أَمَرَ رَسُولُ اللهِ ﷺ بِصِيامِهِ حَتى فُرِضَ رَمَضَانُ. وَقالَ رَسُولُ اللهِ ﷺ: «مَنْ شاءَ فَلْيَصُمْ ومَنْ شاءَ أَفْطَرَهُ». [راجع: ١٥٩٢]

(2) CHAPTER. The superiority of *Aṣ-Ṣaum* (the fasting).

(٢) بابُ فَضْلِ الصَّوْمِ

1894. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "*Ṣaum* (fasting) is a shield (or a screen or a shelter from the Hell-fire[1]). So, the person observing *Ṣaum* (fast) should avoid sexual relation with his wife and should not behave foolishly and impudently, and if somebody fights with him or abuses him, he should say to him twice, 'I am observing *Ṣaum* (fast).'" The Prophet ﷺ added, "By Him in Whose Hands my soul is, the smell coming out from the mouth of a person observing *Ṣaum* (fast) is better with

١٨٩٤ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ أَبي الزِّنادِ، عَنِ الأَعْرَجِ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «الصِّيامُ جُنَّةٌ فَلا يَرْفُثْ ولا يَجْهَلْ وإِنِ امْرُؤٌ قاتَلَهُ أَو شاتَمَهُ فَلْيَقُلْ: إِنِّي صَائِمٌ، مَرَّتَينِ. والَّذي نَفْسِي بِيَدِهِ لَخُلُوفُ فَمِ الصَّائِمِ أَطْيَبُ عِنْدَ اللهِ مِنْ

(1) (H.1894) See *Fatḥ Al-Bārī*.

رِيحِ المِسْكِ. يَتْرُكُ طَعامَهُ وشَرَابَهُ وَشَهوَتَهُ مِنْ أَجْلِي، الصِّيامُ لي وأنا أَجْزِي بِهِ. والحَسَنَةُ بِعَشْرِ أَمْثَالِهَا». [انظر: ١٩٠٤، ٥٩٢٧، ٧٤٩٢، ٧٥٣٨]

Allāh تعالى than the smell of musk. (Allāh says about the fasting person), 'He has left his food, drink and sexual desires for My sake. The *Ṣaum* (fast) is for Me.[1] So I will reward (the fasting person) for it and the reward of good deeds is multiplied ten times.'"

(٣) بابٌ: الصَّوْمُ كَفَّارَةٌ

CHAPTER. ***Aṣ-Ṣaum*** **(the fasting) is an expiation (for sins).**

١٨٩٥ - حَدَّثَنا عليُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ: حدَّثَنا جامِعٌ، عَنْ أَبي وَائِلٍ، عَنْ حُذَيْفَةَ قالَ: قالَ عُمَرُ رَضِيَ اللهُ عَنْهُ: مَنْ يَحْفَظُ حدِيثاً عَنِ النَّبِيِّ ﷺ في الفِتْنَةِ؟ قالَ حُذَيْفَةُ: أَنا سَمِعْتُهُ يَقُولُ: «فِتْنَةُ الرَّجُلِ في أَهْلِهِ ومالِهِ وجارِهِ تُكَفِّرُها الصَّلاةُ وَالصِّيامُ والصَّدَقَةُ». قالَ: لَيْسَ أَسْأَلُ عَنْ ذِهِ، إنَّما أَسْأَلُ عَنِ الَّتي تَمُوجُ كما يَمُوجُ البَحرُ. قالَ: وَإِنَّ دُونَ ذلك باباً مُغْلَقاً، قالَ: فَيُفْتَحُ أَوْ يُكْسَرُ؟ قالَ: يُكْسَرُ، قالَ: ذَاكَ أَجْدَرُ أَنْ لا يُغْلَقَ إلى يَوْمِ القِيامَةِ. فَقُلْنا لِمَسْرُوقٍ: سَلْهُ، أَكانَ عُمَرُ يَعْلَمُ مَنِ البابُ؟ فَسَأَلَهُ، فَقَالَ: نَعَمْ. كما يَعْلَمُ أَنَّ دُونَ غَدٍ اللَّيْلَةَ. [راجع: ٥٢٥]

1895. Narrated Abū Wā'il from Ḥudhaifa: 'Umar رَضِيَ اللهُ عَنْهُ asked the people, "Who remembers the narration of the Prophet ﷺ about the *Al-Fitnah* (trial or affliction)?" Ḥudhaifa said, "I heard the Prophet ﷺ saying, 'The *Al-Fitnah* of a person in his property, family and neighbours is expiated by his *Ṣalāt* (prayer), *Ṣaum* (fasting), and giving in charity.'" 'Umar said, "I do not ask about that, but I ask about the *Al-Fitnah* which will spread like the waves of the sea." Ḥudhaifa replied, "There is a closed gate in front of it." 'Umar asked, "Will that gate be opened or broken?" He replied, "It will be broken." 'Umar said, "Then the gate will not be closed again till the Day of Resurrection." We said to Masrūq, "Would you ask Ḥudhaifa whether 'Umar knew what that gate symbolized?" He asked him and he replied "He ('Umar) knew it as one knows that there will be night before tomorrow morning."

(٤) بابٌ: الرَّيَّانُ للصَّائمِينَ

(4) CHAPTER. ***Ar-Raiyān*** **(one of the gates of Paradise) is for people observing** ***Ṣaum*** **(fast) people.**

١٨٩٦ - حَدَّثَنا خالِدُ بنُ مَخلَدٍ:

1896. Narrated Sahl رَضِيَ اللهُ عَنْهُ: The

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(1) (H.1894) Although all practices of worshipping are for Allāh تعالى, here Allāh تعالى singles out *Ṣaum* (fasting), because *Ṣaum* (fast) cannot be practised for the sake of showing off as nobody can know whether one is observing *Ṣaum* (fast) or not, except Allāh. Therefore, *Ṣaum* (fasting) is a pure performance that cannot be blemished with hypocrisy. (*Fatḥ Al-Bārī*)

حدَّثنا سُلَيمانُ بنُ بلالٍ، قالَ: حدَّثني أبو حازمٍ عَنْ سَهْلٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «إنَّ في الجَنَّةِ باباً يُقالُ لَهُ: الرَّيّانُ، يَدْخُلُ مِنْهُ الصّائمُونَ، يَوْمَ القِيامةِ، لا يَدْخُلُ مِنْهُ أحَدٌ غيرُهُمْ. يُقالُ: أيْنَ الصّائمُونَ؟ فيَقُومُونَ لا يَدْخُلُ مِنْهُ أحَدٌ غيرُهُمْ، فإذا دَخَلُوا أُغْلِقَ فَلَمْ يَدْخُلْ مِنْهُ أحَدٌ». [انظر: ٣٢٥٧]

Prophet ﷺ said, "There is a gate in Paradise called *Ar-Raiyān*, and those who observe *Ṣaum* (fasts) will enter through it on the Day of Resurrection and none except them will enter through it. It will be said, 'Where are those who used to observe *Ṣaum* (fast)?' They will get up, and none except them will enter through it. After their entry the gate will be closed and nobody will enter through it."

١٨٩٧ - حدَّثنا إبراهيمُ بنُ المُنْذِرِ قالَ: حدَّثني مَعْنٌ قالَ: حدَّثني مالكٌ، عَنِ ابنِ شِهابٍ، عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «مَنْ أنْفَقَ زَوْجَينِ في سَبيلِ اللهِ نُودِيَ مِنْ أبْوابِ الجَنَّةِ: يا عَبْدَ اللهِ هذا خَيرٌ. فَمَنْ كانَ مِنْ أهْلِ الصَّلاةِ دُعِيَ مِنْ بابِ الصَّلاةِ، ومَنْ كانَ مِنْ أهْلِ الجِهادِ دُعِيَ مِنْ بابِ الجِهادِ، ومَنْ كانَ مِنْ أهْلِ الصِّيامِ دُعِيَ مِنْ بابِ الرَّيّانِ، ومَنْ كانَ مِنْ أهْلِ الصَّدَقَةِ دُعِيَ مِنْ بابِ الصَّدَقَةِ». فَقالَ أبو بَكْرٍ رَضِيَ اللهُ عَنْهُ: بأبي أنْتَ وأُمّي يا رَسُولَ اللهِ، ما عَلى مَنْ دُعِيَ مِنْ تِلْكَ الأبْوابِ مِنْ ضَرُورَةٍ، فَهَلْ يُدْعَى أحَدٌ مِنْ تِلْكَ الأبْوابِ كُلِّها؟ قالَ: «نَعَمْ؛ وأرْجُو أنْ تَكُونَ مِنْهُمْ». [انظر: ٢٨٤١، ٣٢١٦، ٣٦٦٦]

1897. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever gives two kinds (of things or property) in charity for Allāh's Cause, will be called from the gates of Paradise and will be addressed, 'O slaves of Allāh! Here is prosperity.' So, whoever was amongst the people who used to offer their *Ṣalāt* (prayers), will be called from the gate of the *Ṣalāt*; and whoever was amongst the people who used to participate in *Jihād*, will be called from the gate of *Jihād*; and whoever was amongst those who used to observe fasts, will be called from the gate of *Ar-Raiyān*; whoever was amongst those who used to give *Aṣ-Ṣadaqa* (charity), will be called from the gate of *Aṣ-Ṣadaqa*." Abū Bakr رَضِيَ اللهُ عَنْهُ said, "Let my parents be sacrificed for you, O Allāh's Messenger! No distress or need will befall him who will be called from those gates. Will there be any one who will be called from all these gates?" The Prophet ﷺ replied, "Yes, and I hope you will be one of them."

(5) CHAPTER. Should it be said "Ramaḍān" or "the month of Ramaḍān?" And whoever thinks that both are permissible.

And the Prophet ﷺ said, "Whoever observe *Ṣaum* (fasts) in Ramaḍān." And also said, "Do not observe *Ṣaum* before Ramaḍān."(1)

(٥) **بابٌ: هَلْ يُقالُ: رَمَضانُ، أَوْ شَهْرُ رَمَضانَ؟ ومَنْ رَأى كُلَّهُ واسِعاً،**

وقالَ النَّبِيُّ ﷺ: «مَنْ صامَ رَمَضانَ». وقالَ: «لا تَقَدَّمُوا رَمَضانَ».

1898. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "When (the month of) Ramaḍān begins, the gates of Paradise are opened."

١٨٩٨ - **حَدَّثَنَا** قُتَيْبَةُ: حدَّثَنا إسماعِيلُ بنُ جَعْفَرٍ، عَنْ أَبي سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «إِذَا جاءَ رَمَضانُ فُتِحَتْ أَبْوابُ الجَنَّةِ».

[انظر: ١٨٩٩، ٣٢٧٧]

1899. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "When the month of Ramaḍān starts, the gates of the heaven are opened and the gates of Hell are closed and the devils are chained."

١٨٩٩ - **وحدَّثَني** يَحْيى بنُ بُكَيرٍ: حدَّثَني اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ: أَخبرني ابنُ أَبي أَنسٍ مَوْلى التَّيْمِيِّينَ: أَنَّ أَباهُ حدَّثَهُ: أَنَّهُ سَمِعَ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «إِذَا دَخَلَ رَمَضانُ فُتِّحَتْ أَبْوابُ السَّماءِ، وغُلِّقَتْ أَبْوابُ جَهَنَّمَ، وسُلْسِلَتِ الشَّياطِينُ». [راجع: ١٨٩٨]

1900. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: I heard Allāh's Messenger ﷺ saying, "When you see the crescent (of the month of Ramaḍān), start observing *Ṣaum* (fast) and when you see the crescent (of the month of Shawwāl), stop observing *Ṣaum*; and if the sky is overcast (and you can't see it) then regard the crescent (month) of Ramaḍān (as of 30 days)."

١٩٠٠ - **حَدَّثَنَا** يَحْيى بنُ بُكَيرٍ قالَ: حدَّثَني اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، قالَ: أَخْبرَني سالِمُ بْنُ عَبْدِ اللهِ بْنُ عُمَرَ أَنَّ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «إِذَا رَأَيْتُمُوهُ فَصُومُوا،

(1) (Ch.5) Do not observe fast one or two days before Ramaḍān immediately, fearing to miss the right beginning of the month. (See *Ḥadīth* 1914).

وإِذَا رَأَيْتُمُوهُ فأَفْطِرُوا، فإِنْ غُمَّ عَلَيْكُمْ فاقْدُرُوا لَهُ».

وقالَ غَيْرُهُ عَنِ اللَّيْثِ: حدَّثَني عُقَيْلٌ ويُونُسُ: لِهِلالِ رَمَضانَ. [انظر: ١٩٠٦، ١٩٠٧]

(6) CHAPTER. Whoever observed fast in Ramaḍān out of sincere faith (that it is an enjoined duty), and hoping for a reward from Allāh and with honest intention (i.e., only for Allāh's sake).

(٦) بابٌ مَنْ صامَ رَمَضانَ إِيماناً واحْتِساباً ونِيَّةً،

And 'Āishah رَضِيَ اللهُ عَنها narrated from the Prophet ﷺ, "The people will be resurrected (and judged) according to their intentions."

وقالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها عَنِ النَّبِيِّ ﷺ: «يُبْعَثُونَ عَلى نِيَّاتِهِمْ»

1901. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever established *Ṣalāt* (prayer) on the night of *Qadr* with sincere faith and hoping for a reward from Allāh, then all his previous sins will be forgiven; and whoever observes *Ṣaum* (fasts) in the month of Ramaḍān with sincere faith and hoping for a reward from Allāh, then all his previous sins will be forgiven."

١٩٠١ - حَدَّثَنا مُسْلِمُ بنُ إِبْرَاهِيمَ: حدَّثَنا هِشامٌ: حدَّثَنا يَحْيى، عَنْ أَبي سَلَمَةَ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «مَنْ قامَ لَيْلَةَ القَدْرِ إِيماناً واحْتِساباً غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ، ومَنْ صامَ رَمَضانَ إِيماناً واحْتِساباً غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ». [راجع: ٣٥]

(7) CHAPTER. The Prophet ﷺ used to be most generous in the month of Ramaḍān.

(٧) بابٌ: أَجْوَدُ ما كانَ النَّبِيُّ ﷺ يَكُونُ في رَمَضانَ

1902. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ was the most generous amongst the people, and he used to be more so in the month of Ramaḍān when Jibrīl (Gabriel) visited him, and Jibrīl used to meet him on every night of Ramaḍān till the end of the month. The Prophet ﷺ used to recite the Noble Qur'ān to Jibrīl, and when Jibrīl met him, he used to be more generous than the fair wind [sent by Allāh with glad tidings (rain) in readiness and haste to

١٩٠٢ - حَدَّثَنا مُوسَى بنُ إِسماعِيلَ: حدَّثَنا إِبْرَاهِيمُ بنُ سَعْدٍ: أَخْبَرَنا ابنُ شِهابٍ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ بنِ عُتْبَةَ: أَنَّ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: كانَ النَّبِيُّ ﷺ أَجْوَدَ النَّاسِ بالخَيْرِ، وكانَ أَجْوَدَ ما يَكُونُ في رَمَضانَ حِينَ يَلْقاهُ جِبْرِيلُ،

وكانَ جِبْرِيلُ عَلَيْهِ السَّلامُ يَلْقَاهُ كُلَّ لَيْلَةٍ في رَمَضَانَ حتَّى يَنْسَلِخَ يَعْرِضُ عَلَيْهِ النَّبِيُّ ﷺ القُرْآنَ، فإِذَا لَقِيَه جِبْرِيلُ عَلَيْهِ السَّلامُ كانَ أَجْوَدَ بالخَيرِ مِنَ الرِّيحِ المُرْسَلَةِ. [راجع: ٦]

do charitable deeds.].

(٨) **بابٌ** مَنْ لمْ يَدَعْ قَوْلَ الزُّورِ والعَمَلَ بِهِ في الصَّوْمِ

(8) CHAPTER. Whoever does not give up lying speech (false statements (i.e., telling lies) and acting on those while observing *Ṣaum* (fast).

١٩٠٣ - حَدَّثَنا آدَمُ بنُ أَبي إِياسٍ: حدَّثَنا ابنُ أَبي ذِئْبٍ: حدَّثَنا سَعِيدٌ المَقْبُرِيُّ، عَنْ أَبِيهِ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، قالَ: قالَ النَّبِيُّ ﷺ: «مَنْ لَمْ يَدَعْ قَوْلَ الزُّورِ والعَمَلَ بِهِ فَلَيْسَ للهِ حاجَةٌ في أَنْ يَدَعَ طَعَامَهُ وشَرَابَهُ». [انظر: ٦٠٥٧]

1903. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "Whoever does not give up lying speech (false statements) and acting on those lies and evil actions etc., Allāh is not in need of his leaving his food and drink [i.e., Allāh will not accept his *Ṣaum* (fasting)]".

[See *Fatḥ Al-Bārī*]

(٩) **بابٌ**: هَلْ يَقُولُ: إِنِّي صَائِمٌ، إِذَا شُتِمَ

(9) CHAPTER. Should one say, "I am observing *Ṣaum* (fast)" on being abused?

١٩٠٤ - حَدَّثَنا إِبْرَاهِيمُ بنُ مُوسَى: أَخْبرَنا هِشامُ بنُ يُوسُفَ، عَنِ ابنِ جُرَيْجٍ قالَ: أَخْبرَني عَطاءٌ، عَنْ أَبي صَالِحٍ الزَّيَّاتِ: أَنَّهُ سَمعَ أَبا هُرَيْرَةَ رَضِيَ اللهُ عنه يقولُ: قَالَ رَسُولُ اللهِ ﷺ: «قالَ اللهُ: كُلُّ عَمَلِ ابنِ آدَمَ لَهُ إِلاَّ الصِّيامَ فإِنَّهُ لي، وأَنا أَجْزِي بِهِ، والصِّيامُ جُنَّةٌ. وَإِذَا كانَ يَوْمُ صَوْمِ أَحَدِكُمْ فَلا يَرْفُثْ ولا يَصْخَبْ، فإِنْ سابَّهُ أَحَدٌ أَوْ قاتَلَهُ

1904. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ said, "Allāh said, 'All the deeds of Adam's sons (people) are for them, except *Ṣaum* (fasting) which is for Me, and I will give the reward for it.' Observing *Ṣaum* (fast) is a shield or protection (from the Hell-fire and from committing sins). If one of you is observing *Ṣaum* (fast), he should avoid sexual relation with his wife and quarrelling, and if somebody should fight or quarrel with him, he should say, 'I am observing *Ṣaum* (fast).' By Him in Whose Hands my soul is, the smell coming out from the mouth of a fasting person is better before Allāh than the smell of musk. There are two pleasures for

فَلْيَقُلْ: إنِّي امْرُؤٌ صَائِمٌ. وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ لَخُلُوفُ فَمِ الصَّائِمِ أَطْيَبُ عِنْدَ اللهِ مِنْ رِيحِ المِسْكِ. لِلصَّائِمِ فَرْحَتَانِ يَفْرَحُهُمَا: إذَا أَفْطَرَ فَرِحَ، وإذَا لَقِيَ رَبَّهُ فَرِحَ بِصَوْمِهِ». [راجع: ١٨٩٤]

the person observing *Ṣaum*, one at the time of *Ifṭār* (breaking his fast), and the other at the time when he will meet his Lord; then he will be pleased because of his *Ṣaum* (fasting)."

(١٠) بابٌ الصَّوْمِ لِمَنْ خافَ عَلى نَفْسِهِ العُزْبَةَ

(10) CHAPTER. *Aṣ-Ṣaum* (the fasting) (is recommended) for those who fear committing illegal sexual acts, i.e., those who are unmarried.

١٩٠٥ - حَدَّثَنَا عَبْدَانُ، عَنْ أَبي حَمْزَةَ، عَنِ الأعمَشِ، عَنْ إبْرَاهِيمَ، عَنْ عَلْقَمَةَ قالَ: بَيْنَا أَنا أَمْشي مَعَ عَبْدِ اللهِ رضي الله عنه فقال: كُنَّا مَعَ النَّبيِّ ﷺ فَقالَ: «مَنِ اسْتطاعَ الباءَةَ فَلْيَتَزَوَّجْ فإنَّهُ أَغَضُّ لِلْبَصَرِ، وأَحْصَنُ لِلْفَرْجِ، ومَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فإنَّهُ لَهُ وِجاءٌ». [انظر: ٥٠٦٥، ٥٠٦٦]

1905. Narrated 'Alqāma: While I was walking with 'Abdullāh رَضِيَ اللهُ عَنْهُ: he said, "We were in the company of the Prophet ﷺ and he said, 'He who can afford to marry should marry, because it will help him to lower his gaze (from looking at forbidden things and other women), and save his private parts (from committing illegal sexual acts etc.), and he who cannot afford to marry is advised to observe *Ṣaum* (fasting), as *Ṣaum* (fasting) will restrain his sexual power."

(١١) بابٌ قَوْلِ النَّبيِّ ﷺ: «إذَا رَأَيتُمُ الهِلالَ فَصُومُوا، وإذَا رَأَيْتُمُوهُ فأفْطِرُوا»، وقالَ صِلَةُ عَنْ عَمَّارٍ: مَنْ صَامَ يَوْمَ الشَّكِّ فَقَدْ عصَى أَبا القاسِمِ ﷺ

(11) CHAPTER. The statement of the Prophet ﷺ: "Start observing *Ṣaum* (fasts) on seeing the crescent-moon of Ramaḍān, and stop observing *Ṣaum* on seeing the crescent-moon (of Shawwāl).'

And 'Ammār said, "Whoever observes *Ṣaum* (fasting) on a doubtful day[1] is disobeying Abūl-Qāsim (i.e., the Prophet ﷺ)."

١٩٠٦ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ نافِعٍ: عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ ذَكَرَ رَمَضانَ فَقالَ:

1906. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ mentioned Ramaḍān and said, "Do not observe fasting unless you see the crescent-moon (of Ramaḍān), and do not give up fasting till

(1) (Ch.11) The doubtful day is the day that is not certainly the first of Ramaḍān, but perhaps the last of Sha'bān, the preceding month.

you see the crescent-moon of (Shawwāl), but if the sky is overcast and you can't see the moon, then act on estimation (i.e., count Sha'bān as 30 days and Ramaḍān also as 30 days)."

«لا تَصُومُوا حتَّى تَرَوُا الهِلالَ، ولا تُفْطِرُوا حتَّى تَرَوْهُ، فإنْ غُمَّ عَلَيْكُمْ فاقْدُرُوا لَهُ». [راجع: ١٩٠٠]

1907. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "The month (can be) 29 nights (i.e., days), and do not fast till you see the crescent-moon, and if the sky is overcast, then complete Sha'bān as thirty days."

١٩٠٧ - **حَدَّثَنَا** عَبْدُ اللهِ بنُ مَسْلَمَةَ: حدَّثنا مالكٌ، عَنْ عَبْدِ اللهِ بن دِينارٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «الشَّهْرُ تِسْعٌ وعِشْرُونَ لَيْلَةً فَلا تَصُومُوا حتَّى تَرَوْهُ. فإنْ غُمَّ عَلَيْكُمْ فأَكْمِلُوا العِدَّةَ ثَلاثِينَ». [راجع: ١٩٠٠]

1908. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "The month is like this and this," (at the same time he showed the fingers of both his hands thrice) and left out one thumb on the third time.

١٩٠٨ - **حَدَّثَنَا** أَبُو الوَلِيدِ: حدَّثنا شُعْبَةُ، عَنْ جَبَلَةَ بنِ سُحَيْمٍ قالَ: سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ: قالَ النَّبِيُّ ﷺ: «الشَّهْرُ هكَذَا وهكَذَا»، وخَنَسَ الإِبهامَ في الثَّالِثَةِ. [انظر: ١٩١٣، ٥٣٠٢]

1909. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ, or said Abūl-Qāsim ﷺ said, "Start observing *Ṣaum* (fasts) on seeing the crescent-moon (of Ramaḍān), and give up observing *Ṣaum* (fast) on seeing the crescent-moon (of Shawwāl), and if the sky is overcast (and you cannot see it), complete thirty days of Sha'bān."

١٩٠٩ - **حَدَّثَنَا** آدَمُ: حدَّثنا شُعْبَةُ: حدَّثَنا مُحَمَّدُ بنُ زِيادٍ قالَ: سَمِعْتُ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ النَّبِيُّ ﷺ - أَوْ قالَ: قالَ أَبُو القاسِمِ ﷺ -: «صُومُوا لِرُؤْيَتِهِ وأَفْطِرُوا لِرُؤْيَتِهِ، فإنْ غُبِّيَ عَلَيْكُمْ فأَكْمِلُوا عِدَّةَ شَعْبانَ ثَلاثِينَ».

1910. Narrated Umm Salama رَضِيَ اللهُ عَنْها: The Prophet ﷺ vowed to keep aloof from his wives for a period of one month, and after the completion of 29 days he went either in the morning or in the afternoon to his wives. Someone said to him "You vowed that you

١٩١٠ - **حَدَّثَنَا** أَبُو عاصِمٍ، عَنِ ابنِ جُرَيْجٍ، عَنْ يَحْيى بنِ عَبْدِ اللهِ بنِ صَيْفِيٍّ، عَنْ عِكْرِمَةَ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ أُمِّ سَلَمَةَ رَضِيَ اللهُ عَنْها: أَنَّ

النَّبِيَّ ﷺ آلى مِنْ نِسائِهِ شَهْراً، فَلَمَّا مَضَى تِسْعَةٌ وعِشْرُونَ يَوْماً غَدَا أَوْ رَاحَ فَقِيلَ لَهُ: إِنَّكَ حَلَفْتَ أَنْ لا تَدْخُلَ شَهْراً، فَقالَ: «إِنَّ الشَّهْرَ يَكُونُ تِسْعَةً وعِشْرِينَ يَوْماً». [انظر: ٥٢٠٢]

would not go to your wives for one month." He replied, "The month is of 29 days."

١٩١١ - حَدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ: حدَّثَنا سُلَيْمانُ بنُ بِلالٍ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: آلى رَسُولُ اللهِ ﷺ مِنْ نِسائِهِ وكانَتِ انْفَكَّتْ رِجْلُهُ فأَقام في مَشْرُبَةٍ تِسْعاً وعِشْرِينَ لَيْلَةً ثُمَّ نَزَلَ. فَقالُوا: يا رَسُولَ اللهِ، آلَيْتَ شَهْراً، فَقالَ: «إِنَّ الشَّهْرَ يَكُونُ تِسْعاً وعِشْرِينَ». [راجع: ٣٧٨]

1911. Narrated Anas رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ vowed to keep aloof from his wives for one month, and he had dislocation of his leg. So, he stayed in a *Mashrūba* for 29 nights and then came down. Some people said, "O Allāh's Messenger! You vowed to stay aloof for one month," He replied, "The month is of 29 days."

[See H. 378]

(١٢) بابٌ: شَهْرَا عِيدٍ لا يَنْقُصانِ،

(12) CHAPTER. The two months of *'Eid* do not decrease.

قالَ أَبُو عَبْدِ اللهِ: قالَ إِسحَاقُ: وإِنْ كانَ ناقِصاً فَهُوَ تامٌّ. وقالَ مُحَمَّدٌ: لا يَجْتَمِعانِ، كِلاهُمَا ناقِصٌ.

Narrated Abū 'Abdullāh, "Isḥāq said that if Ramaḍān is of 29 days, even then it is complete (in its superiority); Muḥammad said, "It will not happen that there will be any decrease in their number and superiority."

١٩١٢ - حَدَّثَنا مُسَدَّدٌ: حدَّثَنا مُعْتَمِرٌ قالَ: سَمِعْتُ إسحَاقَ يَعْنِي ابْنَ سُوَيْدٍ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ أَبي

1912. Narrated Abū Bakra رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "The two months of *'Eid* (i.e., Ramaḍān and Dhul-Ḥijjah), do not decrease (in superiority)."[1]

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(1) (H.1912) There are many interpretations of this *Ḥadīth*, but the most common one is this: The good deeds done in these two months are rewarded fully whether these months are of 29 or 30 days. There is no harm if Muslims unknowingly start observing *Ṣaum* (fast) on a wrong day, or stay at 'Arafāt during *Ḥajj* on a day other than the prescribed one, on condition that the crescent should be watched carefully. For example, if two persons witness that they have seen the crescent and the people observe *Ṣaum* (fasts) or stay at 'Arafāt accordingly, and later the two witnesses turn to be liars, the acts of worshipping performed by the Muslims will not be rejected by Allāh. (*Fatḥ-Al-Bārī*).

بَكْرَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ. ح وحدَّثني مُسَدَّدٌ قَالَ: حدَّثنا مُعْتَمِرٌ، عَنْ خالِدٍ الحَذَّاءِ قالَ: أَخْبَرَني عَبْدُ الرَّحْمٰنِ بنُ أبي بَكْرَةَ، عَنْ أَبِيهِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «شَهْرَانِ لا يَنْقُصَانِ، شَهْرَا عِيدٍ، رَمَضَانُ وذُو الحَجَّةِ».

(13) CHAPTER. The Statement of the Prophet ﷺ : "We neither write nor know accounts."

(١٣) بابُ قَوْلِ النَّبِيِّ ﷺ: «لا نَكْتُبُ ولا نَحْسِبُ»

1913. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "We are an illiterate nation; we neither write, nor know accounts. The month is like this and this, i.e., sometimes of 29 days and sometimes of 30 days."

١٩١٣ - **حَدَّثَنَا** آدَمُ: حدَّثنا شُعْبَةُ: حدَّثنا الأَسْوَدُ بنُ قَيْسٍ: حدَّثنا سَعِيدُ بنُ عَمْرٍو: أَنَّهُ سَمِعَ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ، أَنَّهُ قالَ: «إِنَّا أُمَّةٌ أُمِّيَّةٌ لا نَكْتُبُ ولا نَحْسِبُ. الشَّهْرُ هكَذَا وهكَذَا»، يَعْني مَرَّةً تِسْعَةً وعِشْرِينَ ومَرَّةً ثَلاثِينَ.

[راجع: ١٩٠٨]

(14) CHAPTER. Not to observe *Ṣaum* (fast) for a day or two ahead of Ramaḍān.

(١٤) بابٌ: لا يَتَقَدَّمُ رَمَضَانَ بِصَوْمِ يَوْمٍ ولا يَوْمَيْنِ

1914. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "None of you should observe *Ṣaum* (fast) for a day or two ahead of Ramaḍān unless he has the habit of observing *Ṣaum* (*Nawāfil*) (and if his fasting coincides with that day) then he can observe *Ṣaum* (fast) on that day."

١٩١٤ - **حَدَّثَنَا** مُسْلِمُ بنُ إِبْرَاهِيمَ: حدَّثنا هِشامٌ: حدَّثنا يَحْيى بنُ أبي كَثِيرٍ، عَنْ أبي سَلَمَةَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ، أَنَّهُ قالَ: «لا يَتَقَدَّمَنَّ أَحدُكُمْ رَمَضَانَ بِصَوْمِ يَوْمٍ أَوْ يَوْمَيْنِ، إِلَّا أَنْ يَكُونَ رَجُلٌ كانَ يَصُومُ صَوماً، فَلْيَصُمْ ذلكَ اليَوْمَ».

(15) CHAPTER. The Statement of Allāh عَزَّ وجَلَّ: "It is made lawful for you to have sexual

(١٥) بابُ قَوْلِ اللهِ جَلَّ ذِكْرُهُ:

relations with your wives on the night of the *Aṣ-Ṣaum* (the fasts). They are *Libās* [i.e., body cover or screen or *Sakan* (سكن) (i.e., 'you enjoy the pleasure of living with her' — as in the Verse 7:189) — *Tafsir At-Tabarī*], for you, and you are the same for them. Allāh knows that you used to deceive yourselves, so He turned to you (accepted your repentance) and forgave you. So, now have sexual relations with them and seek that which Allāh has ordained for you (offspring)..." (V.2:187)

1915. Narrated Al-Barā' رَضِيَ اللهُ عَنْهُ: It was the custom among the companions of Muḥammad ﷺ that if any of them was observing *Aṣ-Ṣaum* (fast) and the food was presented [for *Iftār* — breaking his *Ṣaum* (fast)], but he slept before eating, he would not eat that night and the following day till sunset.

Qais bin Ṣirma Al-Anṣārī was observing *Ṣaum* (fast) and came to his wife at the time of *Iftār* and asked her whether she had anything to eat. She replied, "No, but I would go and bring something for you." He used to do hard work during the day, so he was overwhelmed by sleep and slept. When his wife came and saw him, she said, "Disappointment for you." When it was midday on the following day, he fainted and the Prophet ﷺ was informed about the whole matter; upon which the following Verses were revealed: "It is made lawful for you to have sexual relations with your wives on the night of *Aṣ-Ṣaum* (the fasts)..."

So they were rejoiced greatly by it. And then Allāh also revealed:

"...And eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night)..." (V.2:187)

﴿أُحِلَّ لَكُمْ لَيْلَةَ ٱلصِّيَامِ ٱلرَّفَثُ إِلَىٰ نِسَآئِكُمْ هُنَّ لِبَاسٌ لَّكُمْ وَأَنتُمْ لِبَاسٌ لَّهُنَّ عَلِمَ ٱللَّهُ أَنَّكُمْ كُنتُمْ تَخْتَانُونَ أَنفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنكُمْ فَٱلْـَٔـٰنَ بَـٰشِرُوهُنَّ وَٱبْتَغُوا۟ مَا كَتَبَ ٱللَّهُ لَكُمْ﴾ [البقرة: ١٨٧]

١٩١٥ - حَدَّثَنَا عُبَيْدُ اللهِ بنُ مُوسَى، عَنْ إِسْرائِيلَ، عَنْ أَبي إِسحاقَ، عَنِ البَراءِ رَضِيَ اللهُ عَنْهُ قالَ: كانَ أَصحابُ مُحَمَّدٍ ﷺ إِذَا كانَ الرَّجُلُ صائماً فَحَضَرَ الإِفْطارُ فَنامَ قَبْلَ أَنْ يُفْطِرَ لَمْ يأْكُلْ لَيْلَتَهُ ولا يَوْمَهُ حَتَّى يُمْسِيَ. وإِنَّ قَيْسَ بْنَ صِرْمَةَ الأَنْصارِيَّ كانَ صائماً فَلَمَّا حَضَرَ الإِفطارُ أَتى امْرأَتَهُ فَقالَ لها: أَعِنْدَكِ طَعامٌ؟ قالَتْ: لا، ولٰكِنْ أَنْطَلِقُ فأَطْلُبُ لكَ. وكانَ يَوْمَهُ يَعْمَلُ فَغَلَبَتْهُ عَيْناهُ فَجاءَتْهُ امْرأَتُهُ فَلَمَّا رَأَتْهُ قالَتْ: خَيْبَةً لكَ. فَلَمَّا انْتَصَفَ النَّهارُ غُشِيَ عَلَيْهِ فَذُكِرَ ذلكَ للنَّبِيِّ ﷺ فَنزَلَتْ هذِهِ الآيَةُ: ﴿أُحِلَّ لَكُمْ لَيْلَةَ ٱلصِّيَامِ ٱلرَّفَثُ إِلَىٰ نِسَآئِكُمْ﴾ فَفَرِحُوا بِها فَرَحاً شَدِيداً. ونَزَلَتْ: ﴿وَكُلُوا۟ وَٱشْرَبُوا۟ حَتَّىٰ يَتَبَيَّنَ لَكُمُ ٱلْخَيْطُ ٱلْأَبْيَضُ مِنَ ٱلْخَيْطِ ٱلْأَسْوَدِ﴾ [البقرة: ١٨٧]. [انظر: ٤٥٠٨]

(١٦) **بابُ** قَولِ اللهِ تَعالى: ﴿وَكُلُوا وَٱشْرَبُوا حَتَّىٰ يَتَبَيَّنَ لَكُمُ ٱلْخَيْطُ ٱلْأَبْيَضُ مِنَ ٱلْخَيْطِ ٱلْأَسْوَدِ مِنَ ٱلْفَجْرِ ثُمَّ أَتِمُّوا ٱلصِّيَامَ إِلَى ٱلَّيْلِ﴾ [البقرة: ١٨٧].

فِيهِ البَراءُ عَنِ النَّبِيِّ ﷺ.

(16) CHAPTER. The Statement of Allāh تعالى:

"...And eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night), then complete your *Ṣaum* (fast) till the nightfall..." (V.2:187)

Narrated Al-Barā' رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said as above.

١٩١٦ - حَدَّثَنا حَجّاجُ بنُ مِنْهالٍ: حدَّثَنا هُشَيمٌ قالَ: أَخْبَرَني حُصَينُ بنُ عَبْدِ الرَّحْمٰنِ، عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ ابنِ حاتمٍ رَضِيَ اللهُ عَنْهُ قالَ: لَمَّا نَزَلَتْ: ﴿حَتَّىٰ يَتَبَيَّنَ لَكُمُ ٱلْخَيْطُ ٱلْأَبْيَضُ مِنَ ٱلْخَيْطِ ٱلْأَسْوَدِ﴾ عَمَدْتُ إلى عِقالٍ أَسْوَدَ وإلى عِقالٍ أَبْيَضَ فَجَعَلْتُهُما تَحْتَ وِسادَتي، فَجَعَلْتُ أَنْظُرُ في اللَّيْلِ فَلا يَسْتَبِينُ لي. فَغَدَوْتُ عَلى رَسُولِ اللهِ ﷺ فَذَكَرْتُ لَهُ ذلكَ فقالَ: «إِنَّما ذلكَ سَوادُ اللَّيْلِ وَبَياضُ النَّهارِ». [انظر: ٤٥٠٩، ٤٥١٠]

1916. Narrated 'Adī bin Ḥātim رَضِيَ اللهُ عَنْهُ: When the following Verses were revealed: "Until the white thread appears to you distinct from the black thread, I took two (hair) strings, one black and the other white, and kept them under my pillow and went on looking at them throughout the night but could not make anything out of it. So, the next morning I went to Allāh's Messenger ﷺ and told him the whole story. He explained to me, "That Verse means the darkness of night and the whiteness of dawn."

١٩١٧ - حَدَّثَنا سَعِيدُ بنُ أَبي مَرْيَمَ: حدَّثَنا ابنُ أَبي حازِمٍ، عن أَبيهِ عَنْ سَهْلِ ابنِ سَعْدٍ ح وَحدَّثَني سَعِيدُ بنُ أَبي مَرْيَمَ: حدَّثَنا أَبو غَسّانَ مُحَمَّدُ بنُ مُطَرِّفٍ قالَ: حدَّثَني أَبو حازِمٍ، عَنْ سَهْلِ بنِ سَعْدٍ قالَ: أُنْزِلَتْ: ﴿وَكُلُوا وَٱشْرَبُوا حَتَّىٰ يَتَبَيَّنَ لَكُمُ ٱلْخَيْطُ ٱلْأَبْيَضُ مِنَ ٱلْخَيْطِ ٱلْأَسْوَدِ﴾ ولَمْ يَنزِلْ ﴿مِنَ ٱلْفَجْرِ﴾ فَكانَ رِجالٌ إِذا

1917. Narrated Sahl bin Sa'd: When the following Verses were revealed: "...Eat and drink until the white thread appears to you, distinct from the black thread..." and 'of dawn' was not revealed, some people who intended to observe *Ṣaum* (fast), tied black and white threads to their legs and went on eating till they differentiated between the two. Allāh then revealed the words, 'of dawn', and it became clear that, that meant night and day.

أَرَادُوا الصَّوْمَ رَبطَ أَحَدُهُمْ في رِجْلَيْهِ الخَيْطَ الأَبْيَضَ والخَيْطَ الأَسْوَدَ، ولَا يَزَالُ يأكُلُ حتَّى يَتَبَيَّنَ لَهُ رُؤْيَتُهُما. فأَنْزَلَ اللهُ بَعْدُ: ﴿مِنَ ٱلْفَجْرِ﴾ فَعَلِمُوا أَنَّهُ إِنَّما يَعْنِي اللَّيْلَ والنَّهارَ.

[انظر: ٤٥١١]

(17) CHAPTER. The statement of the Prophet ﷺ: The *Adhān* of Bilāl should not stop you from taking *Sahūr* (late-night meals).

(١٧) بابُ قَوْلِ النَّبِيِّ ﷺ: «لا يَمْنَعَنَّكُمْ مِنْ سَحُورِكُمْ أذَانُ بِلالٍ»

1918, 1919. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Bilāl used to pronounce the *Adhān* at night, so Allāh's Messenger ﷺ said, "Carry on taking your meals (eat and drink) till Ibn Umm Maktūm pronounces the *Adhān*, for he does not pronounce it till it is dawn."

١٩١٨، ١٩١٩ - حَدَّثَنَا عُبَيْدُ بنُ إسمَاعِيلَ، عَنْ أَبي أُسامَةَ، عَنْ عُبَيْدِ اللهِ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ، والقاسِمِ ابنِ مُحَمَّدٍ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ بِلالاً كانَ يُؤَذِّنُ بِلَيْلٍ، فَقالَ رَسُولُ اللهِ ﷺ: «كُلُوا واشْرَبُوا حتَّى يُؤَذِّنَ ابنُ أُمِّ مَكْتُومٍ فإنَّهُ لا يُؤَذِّنُ حتَّى يَطْلُعَ الفَجْرُ». قالَ القاسِمُ: ولَمْ يَكُنْ بَينَ أَذَانِهِما إلَّا أَنْ يَرْقَى ذَا ويَنزِلَ ذَا. [راجع: ٦١٧]

(18) CHAPTER. Taking the *Sahūr* (late night meals taken before dawn) hurriedly (shortly before dawn).[1]

(١٨) بابُ تَعْجِيلِ السَّحُورِ

1920. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: I used to take my *Sahūr* (late night meals taken before dawn) meals with my family and then hurry up for presenting myself for the *Fajr* prayer with Allāh's Messenger ﷺ.

١٩٢٠ - حَدَّثَنا مُحَمَّدُ بنُ عُبَيْدِ اللهِ: حدَّثَنا عَبْدُ العَزِيزِ بنُ أَبي حازِمٍ، عَنْ أَبيهِ أبي حَازِمٍ، عَنْ سَهْلِ بنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ قالَ: كُنْتُ أَتَسَحَّرُ في أَهْلِي، ثُمَّ تَكُونُ سُرْعَتي

(1) (Ch.18) They used to take the meal of *Sahūr* (late night meals taken before dawn) so late at night that they hurried in eating so that they might offer the *Fajr* prayer with Allāh's Messenger ﷺ.

أَنْ أُدرِكَ السَّحُورَ مَعَ رَسُولِ اللهِ ﷺ.

[راجع: ٥٧٧]

(19) CHAPTER. What is the interval between the (end of) *Saḥūr* and the *Ṣalāt-ul-Fajr* (early morning prayer)?

(١٩) بابٌ قَدْرِ كَمْ بَيْنَ السَّحُورِ وصَلاةِ الفَجْرِ؟

1921. Narrated Anas رَضِيَ اللهُ عَنْهُ: Zaid bin Thābit رَضِيَ اللهُ عَنْهُ said, "We took the *Saḥūr* (late night meals) with the Prophet ﷺ. Then he stood for *Aṣ-Ṣalāt* (the prayer)." I asked, "What was the interval between the *Saḥūr* and the *Adhān*?" He replied, "The interval was sufficient to recite fifty Verses of the Qur'ān."

١٩٢١ - حَدَّثَنا مُسْلِمُ بنُ إبْراهِيمَ: حدَّثَنا هِشامٌ: حدَّثَنا قَتادَةُ، عَنْ أَنَسٍ، عَنْ زَيْدِ ابنِ ثابِتٍ رَضِيَ اللهُ عَنْهُ قالَ: تَسَحَّرْنا مَعَ النَّبِيِّ ﷺ ثُمَّ قامَ إلى الصَّلاةِ، قُلْتُ: كَمْ كانَ بَينَ الأَذانِ والسَّحُورِ؟ قالَ: قَدْرُ خَمسينَ آيَةً. [راجع: ٥٧٥]

(20) CHAPTER. The *Saḥūr* (late night meals) is a blessing but it is not compulsory.

(٢٠) بابُ بَرَكَةِ السَّحُورِ مِنْ غَيرِ إيجابٍ،

For the Prophet ﷺ and his companions kept observing fasting continuously for more than one day and (of course) no *Saḥūr* (late night meals) was taken (during that prolonged fast).

لأَنَّ النَّبِيَّ ﷺ وأَصْحابَهُ واصَلُوا ولَمْ يُذْكَرِ السَّحُورُ.

1922. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ observed fasting for days continuously; the people also did the same but it was difficult for them. So, the Prophet ﷺ forbade them (to observe fast continuously for more than one day). They said, "But you observe fast without break (no food was taken in the evening or in the morning)." The Prophet ﷺ replied, "I am not like you, for I am provided with food and drink (by Allāh)."

١٩٢٢ - حَدَّثَنا مُوسَى بنُ إسمَاعِيلَ: حدَّثَنا جُوَيْرِيَةُ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ واصَلَ فَواصَلَ النَّاسُ فَشَقَّ عَلَيْهِمْ فَنهاهُمْ. قالُوا: إنَّكَ تُواصِلُ، قالَ: «لَسْتُ كَهَيْئَتِكُمْ، إنِّي أَظَلُّ أُطْعَمُ وأُسْقَى». [انظر: ١٩٦٢]

1923. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Take *Saḥūr* (late night meals) as there is a blessing in it."

١٩٢٣ - حَدَّثَنا آدَمُ بنُ أَبي إياسٍ: حدَّثَنا شُعْبَةُ: حدَّثَنا عَبْدُ العَزِيزِ بنُ صُهَيْبٍ قالَ: سَمِعْتُ أَنَسَ

بنَ مالكٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبيُّ ﷺ: «تَسَحَّرُوا فإنَّ في السَّحُورِ بَرَكَةً».

(21) CHAPTER. If the intention of observing *Ṣaum* (fast) was made in the daytime...

Umm Ad-Dardā' said: Abū Ad-Dardā' used to ask, "Do you have food?" If we answered in the negative, he would say, "Then I am observing *Ṣaum* (fasting) today." Abū Ṭalḥā, Abū Hurairah, Ibn 'Abbās and Ḥudhaifa رَضِيَ الله عَنْهُم did the same.

(٢١) بابٌ: إِذَا نَوَى بالنَّهارِ صَوْماً،

وقالَتْ أُمُّ الدَّرْدَاءِ: كانَ أَبو الدَّرْداءِ يَقُولُ: عِنْدَكُمْ طَعامٌ؟ فإنْ قُلْنا: لا، قالَ: فإنِّي صَائمٌ يَوْمِي هذَا. وفَعَلَهُ أَبو طَلْحَةَ وأَبو هُرَيْرَةَ وابنُ عَبَّاسٍ وحُذَيْفَةُ رَضِيَ اللهُ عَنْهُمْ.

1924. Narrated Salama bin Al-Akwa' رَضِيَ الله عَنْهُ: Once the Prophet ﷺ ordered a person on the day of *Āshūra* (the tenth of Muḥarram) to announce, "Whoever has eaten, should not eat any more, but observe *Ṣaum* (fast), and who has not eaten should not eat, but complete his *Ṣaum* (fast) (till the end of the day)."

١٩٢٤ - حَدَّثَنا أَبو عاصِمٍ، عَن يَزِيدَ بنِ أَبي عُبَيْدَةَ، عَنْ سَلَمَةَ بنِ الأَكْوَعِ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبيَّ ﷺ بَعَثَ رَجُلاً يُنادِي في النَّاسِ يَومَ عاشُوراءَ: «إنَّ مَنْ أَكَلَ فَلْيُتِمَّ أَوْ فَلْيَصُمْ، ومَنْ لَمْ يأكُلْ فَلا يأكُلْ».

[انظر: ٢٠٠٧، ٧٢٦٥]

(22) CHAPTER. If a person observing *Ṣaum* (fast) gets up in the morning in the state of *Janāba* [will his *Ṣaum* (fast) be valid?]

1925, 1926. Narrated 'Āishah and Umm Salama رَضِيَ الله عَنْهُما: At times, Allāh's Messenger ﷺ used to get up in the morning in the state of *Janāba* after having sexual relations with his wives. He would then take a bath and observe *Ṣaum* (fast). Marwān said to Abdur Rahmān, "I swear by Allāh that you tell Abū Hurairah that [the Prophet ﷺ used to be *Junub* (in state of *Janaba*) till the dawn, would then take a bath and observe *Ṣaum* (fast)]."

(٢٢) بابُ الصَّائمِ يُصْبِحُ جُنُباً

١٩٢٥، ١٩٢٦ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عنْ مالكٍ، عَنْ سُمَيٍّ مَوْلى أَبي بَكْرِ ابنِ عَبدِ الرَّحْمٰنِ بنِ الحَارِثِ بنِ هِشامِ بنِ المُغِيرَةِ. أَنَّهُ سَمِعَ أَبا بَكْرِ بنَ عَبْدِ الرَّحْمٰنِ قالَ: كُنْتُ أَنا وأَبي حَتَّى دَخَلْنا عَلى عائِشَةَ وأُمِّ سَلَمَةَ. ح

وَحدَّثَنا أَبُو اليَمانِ: أَخبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أَخْبرَني أَبُو بَكْرِ بنُ عَبْدِ الرَّحْمٰنِ بنِ الحَارِثِ

بنِ هِشامٍ: أنَّ أباهُ عَبْدَ الرَّحْمٰنِ أخْبرَ مَرْوانَ: أنَّ عائِشَةَ وأُمَّ سَلَمَةَ أخْبرَتاهُ: أنَّ رَسُولَ اللهِ ﷺ كانَ يُدْرِكُهُ الفَجْرُ، وهُوَ جُنُبٌ مِنْ أهْلِهِ، ثُمَّ يَغْتَسِلُ ويَصُومُ. وقالَ مَرْوانُ لِعَبْدِ الرَّحْمٰنِ بنِ الحارِثِ: أُقْسِمُ باللهِ لَتُفْرِغَنَّ بِها أبا هُرَيْرَةَ. ومَرْوانُ يَوْمَئِذٍ عَلى المَدِينَةِ، فقالَ أبُو بَكْرٍ: فَكَرِهَ ذلكَ عَبْدُ الرَّحْمٰنِ ثُمَّ قُدِّرَ لَنا أنْ نَجْتمعَ بِذِي الحُلَيْفَةِ وكانَتْ لأبي هُرَيْرَةَ هُنالكَ أرْضٌ، فَقالَ عَبْدُ الرَّحْمٰنِ لأبي هُرَيْرَةَ: إنِّي ذاكِرٌ لكَ أمْراً ولوْلا مَرْوانُ أقْسَمَ عليَّ فِيهِ لَمْ أذْكُرْهُ لكَ، فَذَكَرَ قَوْلَ عائِشَةَ وأُمِّ سَلَمَةَ فَقالَ: كذلكَ حدَّثَني الفَضْلُ بنُ عَبَّاسٍ وهُوَ أعْلَمُ. وقالَ هَمَّامٌ وابنُ عَبْدِ اللهِ بنِ عُمَرَ عَنْ أبي هُرَيْرَةَ: كانَ النَّبِيُّ ﷺ يأْمُرُ بالفِطْرِ، والأوَّلُ أسْنَدُ. [الحديث: ١٩٢٥، انظر: ١٩٣٠، ١٩٣١]؛ [الحديث: ١٩٢٦، انظر: ١٩٣٢]

(23) CHAPTER. To embrace while one is observing *Ṣaum* (fast).

(٢٣) بابُ المُباشَرَةِ للصَّائمِ،

'Āi<u>sh</u>ah رَضِيَ اللهُ عَنْهَا said: "A person observing *Ṣaum* (fast) is forbidden to have sexual intercourse."

وقالَتْ عائِشَةُ رَضِيَ اللهُ عَنْهَا: يَحْرُمُ عَلَيْهِ فَرْجُها.

1927. Narrated 'Āi<u>sh</u>ah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ used to kiss and embrace (his wives) while he was observing *Ṣaum* (fast), and he had more power to control his desires than any of you.

Jabir bin Zaid said, "If a man gets a

١٩٢٧ - **حَدَّثَنا** سُلَيْمانُ بنُ حَرْبٍ: عَنْ شُعْبَةَ، عَنِ الحَكَمِ، عَنْ إبْرَاهِيمَ، عَنِ الأسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهَا قالَتْ: كانَ النَّبِيُّ ﷺ

sexual discharge as a result of casting a look (at his wife) should complete his *Ṣaum* (fast)."

يُقَبِّلُ ويُباشِرُ وهُوَ صَائِمٌ وكانَ أَمْلَكَكُمْ لإِرْبِهِ.
وقالَ: قالَ ابنُ عَبَّاسٍ: ﴿مَآرِبُ﴾: حاجَةٌ. قالَ طاوُسٌ: ﴿غَيْرِ أُوْلِي ٱلْإِرْبَةِ﴾ [النور: ٣١]: الأَحمَقُ، لا حاجَةَ لَهُ في النِّساءِ.
وقالَ جابرُ بنُ زَيْدٍ: إن نَظَرَ فَأَمنى يُتِمُّ صَوْمَهُ. [انظر: ١٩٢٨]

(24) CHAPTER. What is said regarding kissing by a fasting person.

(٢٤) بابُ القُبْلَةِ لِلصَّائِمِ

1928. Narrated Hishām's father: 'Āishah رَضِيَ اللهُ عَنْهَا said, "Allāh's Messenger ﷺ used to kiss some of his wives while he was observing *Ṣaum* (fast)," and then she smiled.

١٩٢٨ - **حَدَّثَنا** مُحَمَّدُ بنُ المُثَنَّى: حَدَّثَني يَحيى، عَنْ هِشامٍ قالَ: أَخبرَني أَبي، عَنْ عائِشَةَ عَنِ النَّبِيِّ ﷺ ح. وحدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ. عَنْ مالكٍ عَنْ هِشامٍ، عَنْ أَبيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: إنْ كانَ رَسُولُ اللهِ ﷺ لَيُقَبِّلُ بَعْضَ أَزْوَاجِهِ وهُوَ صَائمٌ، ثُمَّ ضَحِكَتْ. [راجع: ١٩٢٧]

1929. Narrated Zainab, daughter of Umm Salama that her mother said: While I was (lying) with Allāh's Messenger ﷺ underneath a woollen sheet, I got the menstruation, and then slipped away and put on the clothes (which I used to wear) in menses. He asked, "What is the matter? Did you get your menses?" I replied in the affirmative and then entered underneath that woollen sheet. I and Allāh's Messenger ﷺ used to take a bath from one waterpot and he used to kiss me while he was observing *Ṣaum* (fast).

١٩٢٩ - **حَدَّثَنا** مُسَدَّدٌ: حدَّثَنا يَحْيى، عَنْ هِشامِ بنِ أَبي عَبْدِ اللهِ: حدَّثَنا يَحْيَى بنُ أَبي كَثِيرٍ، عَنْ أَبي سَلَمَةَ، عَنْ زَيْنَبَ ابْنَةِ أُمِّ سَلَمَةَ، عَنْ أُمِّها رَضِيَ اللهُ عَنْهُما قالَتْ: «بَيْنما أَنا مَعَ رَسُولِ اللهِ ﷺ في الخَميلَةِ إذ حِضْتُ فانْسَلَلتُ فأَخَذْتُ ثِيابَ حَيْضَتِي، فقالَ: «ما لكِ؟ أَنُفِسْتِ؟» قُلْتُ: نَعَمْ. فَدَخَلْتُ مَعَهُ في الخَمِيلَةِ

وكانَتْ هيَ ورَسُولُ اللهِ ﷺ يَغْتَسِلانِ مِنْ إناءٍ واحِدٍ وكانَ يُقَبِّلُها وهُوَ صَائمٌ. [راجع: ٢٩٨]

(25) CHAPTER. Taking a bath by a person observing *Ṣaum* (fast).

(٢٥) **بابُ اغْتِسالِ الصَّائمِ**،

Ibn 'Umar رَضِيَ اللهُ عَنْهُما soaked a garment in water and then put it over himself while he was observing *Ṣaum* (fasting). Ash-Sha'bī entered a bathroom while he was observing *Ṣaum*. Ibn 'Abbās said, "There is no harm in tasting the food of the pots or other meals. Al-Ḥasan said, "There is no harm for the person observing *Ṣaum* (fast) to rinse his mouth with water and to cool his body." Ibn Mas'ūd said, "At the night of your fasting day, you had better oil and comb your hair." Anas said, "I had a tub in which I used to sit while observing *Ṣaum* (fast)." It is mentioned that the Prophet ﷺ cleaned his teeth with a *Siwāk* while observing *Ṣaum* (fast), and Ibn 'Umar used to clean his teeth with *Siwāk* in the early and the late hours of the day without swallowing the resultant saliva [while observing *Ṣaum* (fast)]. 'Aṭā' said, "The swallowing of saliva does not break the *Ṣaum* (fast)." Ibn Sīrīn said, "There is no harm in cleaning the teeth with a green fresh *Siwāk*." He was told that it had taste. Ibn Sīrīn replied, "Water also has taste; yet you people rinse your mouth with it." Anas, Al-Ḥasan and Ibrāhīm did not see any harm in smearing one's eyes with kohl while observing *Ṣaum* (fast).

وبَلَّ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما ثَوْباً فَأَلْقَى عَلَيْهِ وهُوَ صَائمٌ. ودَخَلَ الشَّعْبِيُّ الحَمَّامَ وهُوَ صَائمٌ. وقالَ ابنُ عَبَّاسٍ: لا بَأْسَ أَنْ يَتَطَعَّمَ القِدْرَ أَوِ الشَّيْءَ. وقالَ الحَسَنُ: لا بَأْسَ بالمَضْمَضَةِ والتَّبَرُّدِ للصَّائمِ. وقالَ ابنُ مَسْعُودٍ: إِذَا كانَ صَوْمُ أَحَدِكُمْ فَلْيُصْبِحْ دَهِيناً مُتَرَجِّلاً، وقالَ أَنَسٌ: إِنَّ لي أَبْزَنَ أَتَقَحَّمُ فِيهِ وأَنا صَائمٌ، ويُذْكَرُ عَنِ النَّبِيِّ ﷺ أَنَّهُ اسْتاكَ وهُوَ صَائمٌ. وقالَ ابنُ عُمَرَ: يَسْتاكُ أَوَّلَ النَّهارِ وآخِرَهُ. وقالَ عَطاءٌ: إنِ ازْدَرَدَ رِيقَهُ لا أَقُولُ: يُفْطِرُ. وقالَ ابنُ سِيرِينَ: لا بَأْسَ بالسِّوَاكِ الرَّطْبِ. قِيلَ: لَهُ طَعْمٌ، قالَ: والماءُ لَهُ طَعْمٌ وأَنْتَ تَمَضْمَضُ بِهِ. ولَمْ يَرَ أَنَسٌ والحَسَنُ وإِبْرَاهِيمُ بالكُحْلِ للصَّائمِ بأْساً.

1930. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: (At times) in Ramaḍān the Prophet ﷺ used to be in a state of *Janāba* not because of a wet dream, then he would take a bath and continue his *Ṣaum* (fast).

١٩٣٠ - حَدَّثَنا أَحْمَدُ بنُ صَالِحٍ: حدَّثَنا ابنُ وَهْبٍ: حدَّثَنا يُونُسُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ وأَبي بَكْرٍ، قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْهَا: كانَ النَّبِيُّ ﷺ يُدْرِكُهُ الفَجْرُ

جُنُباً في رَمَضَانَ مِنْ غَيرِ حُلُمٍ فَيَغْتَسِلُ وَيَصُومُ. [راجع: ١٩٢٥]

1931. Narrated Abū Bakr bin 'Abdur-Rahmān: My father and I went to 'Āishah رَضِيَ اللهُ عَنْهَا and she said, "I testify that Allāh's Messenger ﷺ at times used to get up in the morning in a state of *Janāba* from sexual intercourse, not from a wet dream and then he would observe *Ṣaum* (fast) that day."

١٩٣١ - حَدَّثَنَا إسماعِيلُ قالَ: حدَّثَني مالكٌ، عَنْ سُمَيٍّ مَوْلى أَبي بَكْرِ ابنِ عَبْدِ الرَّحْمٰنِ بنِ الحَارِثِ بنِ هِشامِ ابنِ المُغيرَةِ: أَنَّهُ سَمِعَ أَبا بَكْرِ بنَ عَبْدِ الرَّحْمٰنِ: كُنْتُ أَنا وأَبي فَذَهَبْتُ مَعَهُ حتَّى دَخَلْنا عَلى عائِشَةَ رَضِيَ اللهُ عَنْهَا قالَتْ: أَشْهَدُ عَلى رَسُولِ اللهِ ﷺ إنْ كانَ لَيُصْبِحُ جُنُباً مِنْ جِماعٍ غيرِ احْتِلامٍ، ثُمَّ يَصُومُهُ. [راجع: ١٩٢٥]

1932. Then he went to Umm Salama and she also narrated a similar thing.

١٩٣٢ - ثُمَّ دَخَلْنا على أُمِّ سَلَمَةَ فَقالَتْ مِثْلَ ذلكَ. [راجع: ١٩٢٦]

(26) CHAPTER. If a person observing *Ṣaum* (fast) ate or drank forgetfully (should he observe *Ṣaum* another day in lieu of that day)?

(٢٦) بابُ الصَّائِمِ إذَا أَكَلَ أَوْ شَرِبَ ناسِياً،

'Aṭā' said, "There is no harm if water goes in the throat and one is unable to bring it out while putting it in the nose and then blowing it out."

Al-Ḥasan said, "If a fly enters one's throat (while one is observing *Ṣaum*), there is no harm in it." Al-Ḥasan and Mujāhid said, "If one has sexual intercourse forgetfully (with one's wife) then no penalty will be imposed on him."

وقالَ عَطاءٌ: إنِ اسْتَنْثَرَ فَدَخَلَ الماءُ في حَلْقِهِ لا بأسَ بِهِ إنْ لَمْ يَمْلِكْ، وقالَ الحَسَنُ: إنْ دَخَلَ حَلْقَهُ الذُّبابُ فَلا شَيْءَ عَلَيْهِ. وقالَ الحَسَنُ ومُجَاهِدٌ: إنْ جامَعَ ناسياً فَلا شَيْءَ عَلَيْهِ.

1933. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "If somebody eats or drinks forgetfully then he should complete his *Ṣaum* (fast), for what he has eaten or drank, has been given to him by Allāh."

١٩٣٣ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنا يَزِيدُ ابنُ زُرَيْعٍ: حدَّثَنا هِشامٌ: حدَّثَنا ابنُ سِيرينَ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «إذا نَسِيَ

فأكَل وشَرِب فَلْيُتِمَّ صَوْمَهُ، فإنَّما أَطْعَمَهُ اللهُ وسَقاهُ». [انظر: ٦٦٦٩]

(27) CHAPTER. Dry or green *Siwāk* for the person observing *Ṣaum* (fast).

(٢٧) بابُ سِوَاكِ الرَّطْبِ واليابِسِ للصَّائمِ،

وَيُذْكَرُ عَنْ عامِرِ بنِ رَبِيعَةَ قالَ: رَأَيْتُ النَّبِيَّ ﷺ يَسْتاكُ وهُوَ صَائمٌ مَا لَا أُحْصِي أو أَعُدُّ.

وقالَ أبو هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ: «لَوْلا أَنْ أَشُقَّ عَلى أُمَّتِي لأَمَرْتُهُمْ بالسِّوَاكِ عِنْدَ كُلِّ وُضُوءٍ». ويُرْوَى نَحْوُهُ عَنْ جابِرٍ وزَيْدِ بنِ خالِدٍ عَنِ النَّبِيِّ ﷺ. ولَمْ يَخُصَّ الصَّائمَ مِنْ غَيرِهِ. وقالَتْ عائِشَةُ عَنِ النَّبِيِّ ﷺ: «السِوَاكُ مَطْهَرَةٌ لِلفَمِ، مَرْضَاةٌ للرَّبِّ». وقالَ عَطاءٌ وقَتادَةُ: يَبْتَلِعُ رِيقَهُ.

Narrated 'Āmir bin Rabī'a: I saw the Prophet ﷺ cleaning his teeth with *Siwāk* while he was observing *Ṣaum* (fast) so many times as I can not count.

Narrated Abū Hurairah: The Prophet ﷺ said, "But for my fear that it would be hard for my followers, I would have ordered them to clean their teeth with *Siwāk* on every performance of ablution." The same is narrated by Jābir and Zaid bin Khālid from the Prophet ﷺ who did not differentiate between a fasting and a non-fasting person in this respect (using *Siwāk*).

'Āishah said, "The Prophet ﷺ said, 'It (i.e., *Siwāk*) is a purification for the mouth and it is a way of seeking Allāh's Pleasures." Aṭā' and Qatāda said, "There is no harm in swallowing the resultant saliva."

١٩٣٤ - حَدَّثَنا عَبْدَانُ: أخبرَنا عَبْدُ اللهِ أخبرَنا مَعْمَرٌ قالَ: حَدَّثَنا الزُّهْرِيُّ، عَنْ عَطاءِ بنِ يَزِيدَ، عَنْ حُمْرَانَ قالَ: رَأَيْتُ عُثْمانَ رَضِيَ اللهُ عَنْهُ تَوَضَّأَ فأَفْرَغَ عَلي يَدَيْهِ ثَلاثاً، ثُمَّ مَضْمَضَ واسْتَنْثَرَ، ثُمَّ غَسَلَ وَجْهَهُ ثلاثاً، ثُمَّ غَسَلَ يَدَهُ اليُمْنى إلى المِرْفَقِ ثَلاثاً. ثُمَّ غَسَلَ يَدَهُ اليُسْرَى إلى المِرْفَقِ ثَلاثاً، ثُمَّ مَسَحَ بِرَأسِهِ، ثُمَّ غَسَلَ رِجْلَهُ اليُمْنى ثَلاثاً. ثُمَّ اليُسْرَى ثَلاثاً، ثُمَّ قالَ: رأيْتُ رَسُولَ اللهِ ﷺ تَوَضَّأَ نَحْوَ وضُوئي هذا. ثُمَّ

1934. Narrated Ḥumrān: I saw 'Uthmān رَضِيَ اللهُ عَنْهُ performing ablution; he washed his hands thrice rinsed his mouth and then washed his nose, by putting water in it and then blowing it out, and washed his face thrice, and then washed his right forearm up to the elbow thrice, and then the leftforearm up to the elbow thrice, then smeared his head with water, washed his right foot thrice, and then his left foot thrice and said, "I saw Allāh's Messenger ﷺ performing ablution similar to my present ablution, and then he said, 'Whoever performs ablution like my present ablution and then offers two *Rak'ā* in which he does not think of worldly things, all his previous sins will be forgiven.'"

قالَ: «مَنْ تَوَضَّأَ وُضُوئي هذا ثُمَّ يُصَلِّي رَكْعَتَينِ لا يُحَدِّثُ نَفْسَهُ فِيهِما بِشَيْءٍ غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ».

(28) CHAPTER. The statement of the Prophet ﷺ: "Whoever performs ablution should put water in his nose and then blow it out." The Prophet ﷺ did not differentiate between the fasting and non-fasting person (in this respect).

(٢٨) بابٌ قَوْلِ النَّبيِّ ﷺ: «إِذَا تَوَضَّأَ فَلْيَسْتَنْشِقْ بِمَنْخِرِهِ الماءَ»، ولَمْ يُمَيِّزْ بَيْنَ الصَّائِمِ وغَيرِهِ،

Al-Ḥasan said, "There is no harm for a person observing *Ṣaum* (fast) (in this respect).

Al-Ḥasan said, "There is no harm for a person observing *Ṣaum* (fast) to use snuff if it does not reach the throat, or to smear his eyes with kohl."

'Aṭā' said, "If a person observing *Ṣaum* (fast), after rinsing his mouth with water, throws it out, then; there is no harm, unless he swallows his saliva and what is left in his mouth.(1) And he should not chew gum, for if he swallows his saliva, I do not say that it will break his *Ṣaum* (fast), but it is prohibited, and if, during the putting of water in the nose and then blowing it out, some water enters the throat and he is unable to bring it back, there is no harm in that."

وقالَ الحَسَنُ: لا بَأْسَ بالسَّعوطِ للصَّائمِ إنْ لَمْ يصِلْ إلى حَلْقِهِ، ويَكتَحِلَ. وقالَ عَطاءٌ: إنْ تَمَضْمَضَ ثُمَّ أَفْرَغَ ما في فِيهِ مِنَ الماءِ لا يَضُرُّهُ إنْ لَمْ يَزدَرِدْ رِيقَهُ، وماذَا بَقِيَ في فِيه، ولا يَمْضَغُ العِلْكَ فإنِ ازْدَرَدَ رِيقَ العِلْكِ لا أَقُولُ: إنَّهُ يُفْطِرُ ولكِنْ يُنهَى عَنْهُ، فإنِ اسْتَنْثَرَ فَدَخَلَ الماءُ حَلْقَهُ لا بَأسَ لِأَنَّهُ لَمْ يَمْلِكْ.

(29) CHAPTER. Whoever has a sexual intercourse with his wife in Ramaḍān, (intentionally, he has to pay expiation).

(٢٩) بابٌ: إذا جامَعَ في رَمَضانَ،

Narrated Abū Hurairah on the authority of the Prophet ﷺ, "Whoever did not observe *Ṣaum* (fast) for one day of Ramaḍān without genuine excuse or a disease, then even if he observed *Ṣaum* (fast) for a complete year, it would not compensate for that day." The same is narrated by Ibn Mas'ūd.

Sa'īd bin Al-Musaiyab, Ash-Sha'bī, Ibn

ويُذْكَرُ عَنْ أبي هُرَيْرَةَ رَفَعَهُ: «مَنْ أَفْطَرَ يَوْماً مِنْ رَمَضانَ مِنْ غَيرِ عِلَّةٍ ولَا مَرَضٍ لَمْ يَقْضِهِ صِيامُ الدَّهْرِ وإنْ صَامَهُ». وبهِ قالَ ابنُ مَسْعُودٍ. وقالَ سَعِيدُ بنُ المُسَيَّبِ، والشَّعْبِيُّ، وسَعِيدُ بنُ جُبَيرٍ، وإبْراهِيمُ، وقَتادَةُ،

(1) (Ch.28) The question here means: after emptying the mouth of water there is nothing left in it, so there is no harm if one swallows his saliva.

وحَمَّادٌ: يَقْضِي يَوْماً مَكانَهُ.

Jubair, Ibrāhīm, Qatāda and Ḥammād said, "He should observe *Ṣaum* (fast) one day in lieu of that missed day."

١٩٣٥ - حَدَّثَنَا عَبْدُ اللهِ بنُ مُنِيرٍ: سَمِعَ يَزِيدَ بنَ هارُونَ: حدَّثَنا يَحْيَى: أَنَّ عَبْدَ الرَّحْمٰنِ بنَ القاسِمِ أَخْبَرَهُ عَنْ مُحَمَّدِ بنِ جَعْفَرِ بنِ الزُّبَيْرِ بنِ العَوَّامِ بنِ خُوَيْلِدٍ، عَنْ عَبَّادِ بنِ عَبْدِ اللهِ بنِ الزُّبَيْرِ أَخْبَرَهُ: أَنَّهُ سَمِعَ عائِشَةَ رَضِيَ اللهُ عَنْهَا تَقُولُ: إِنَّ رَجُلاً أَتى النَّبِيَّ ﷺ فَقالَ: إِنَّهُ احْتَرَقَ. قالَ: «ما لَكَ؟» قالَ: أَصَبْتُ أَهْلِي في رَمَضانَ، فأُتِيَ النَّبِيُّ ﷺ بِمِكْتَلٍ يُدْعَى العَرَقَ، فَقالَ: «أَيْنَ المُحْتَرِقُ؟» قالَ: أَنا، قالَ: «تَصَدَّقْ بِهٰذَا».

[انظر: ٦٨٢٢]

1935. Narrated 'Āishah رَضِيَ اللهُ عَنْها: A man came to the Prophet ﷺ and said that he had been burnt (ruined). The Prophet ﷺ asked him what is the matter. He replied, "I had sexual intercourse with my wife in Ramaḍān [while I was observing *Ṣaum* (fast)." Then a basket full of dates was brought to the Prophet ﷺ and he asked, "Where is the burnt (ruined) man?" He replied, "I am present." The Prophet ﷺ told him to give that basket full of dates in charity (as expiation).

(٣٠) بابٌ: إِذَا جامَعَ في رَمَضانَ ولَمْ يَكُنْ لَهُ شَيْءٌ فَتُصُدِّقَ عَلَيْهِ فَلْيُكَفِّرْ

(30) CHAPTER. If somebody had a sexual intercourse with his wife in Ramaḍān and has got nothing, then if he is given something in charity, he should give the expiation of that sinful act.

١٩٣٦ - حَدَّثَنَا أَبُو اليمانِ: أَخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أَخْبَرَني حُمَيْدُ ابنُ عَبْدِ الرَّحْمٰنِ أَنَّ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: بَيْنما نَحْنُ جُلُوسٌ عِنْدَ النَّبِيِّ ﷺ إِذْ جاءَهُ رَجُلٌ فَقالَ: يا رَسُولَ اللهِ، هَلَكْتُ. قالَ: «ما لَكَ؟» قالَ: وَقَعْتُ عَلى امْرَأَتي وأَنا صائِمٌ. فَقالَ رَسُولُ اللهِ ﷺ: «هَلْ تَجِدُ رَقَبَةً تُعْتِقُها؟» قالَ:

1936. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: While we were sitting with the Prophet ﷺ a man came and said, "O Allāh's Messenger! I have been ruined." Allāh's Messenger ﷺ asked what was the matter with him. He replied, "I had sexual intercourse with my wife while I was observing *Ṣaum* (fast)." Allāh's Messenger ﷺ asked him, "Can you afford to manumit a slave?" He replied in the negative. Allāh's Messenger ﷺ asked him, "Can you observe *Ṣaum* (fast) for two successive months?" He replied in the negative. The Prophet ﷺ asked him, "Can you afford to feed sixty poor persons?" He

لا. قالَ: «فَهَلْ تَسْتَطِيعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَتابِعَيْنِ؟» قالَ: لا، قالَ: «فَهَلْ تَجِدُ إِطْعامَ سِتِّينَ مِسْكِيناً؟» قالَ: لا، قالَ: فَمَكَثَ النَّبِيُّ ﷺ. فَبَيْنا نَحْنُ عَلى ذلكَ أُتِيَ النَّبِيُّ ﷺ بِعَرَقٍ فِيها تَمْرٌ - والعَرَقُ: المِكْتَلُ - قالَ: «أَيْنَ السَّائِلُ؟» فَقالَ: أَنا، قالَ: «خُذْ هٰذا فَتَصَدَّقْ بِهِ». فَقالَ الرَّجُلُ: عَلى أَفْقَرَ مِنِّي يا رَسُولَ اللهِ؟ فَوَاللهِ ما بَيْنَ لابَتَيْها - يُرِيدُ الحَرَّتَيْنِ - أَهْلُ بَيْتٍ أَفْقَرُ مِنْ أَهْلِ بَيْتِي. فَضَحِكَ النَّبِيُّ ﷺ حَتَّى بَدَتْ أَنْيابُهُ، ثُمَّ قالَ: «أَطْعِمْهُ أَهْلَكَ». [انظر: ١٩٣٧، ٢٦٠٠، ٥٣٦٨، ٦٠٨٧، ٦١٦٤، ٦٧٠٩، ٦٧١٠، ٦٧١١، ٦٨٢٦]

replied in the negative. The Prophet ﷺ kept silent and while we were in that state, a big basket full of dates was brought to the Prophet ﷺ. He asked, "Where is the questioner?" He replied, "I (am here)." The Prophet ﷺ said (to him), "Take this (basket of dates) and give it in charity." The man said, "Should I give it to a person poorer than I? By Allāh; there is no family between its (i.e., Al-Madina's) two mountains who are poorer than I." The Prophet ﷺ smiled till his premolar teeth became visible and then said, "Feed your family with it."

(٣١) بابٌ المجامع في رَمَضانَ، هَلْ يُطْعِمُ أَهْلَهُ مِنَ الكَفَّارَةِ إِذا كانُوا مَحاوِيجَ؟

(31) CHAPTER. Can a person who has had sexual intercourse (with his wife) in Ramaḍān feed his family from things given as expiation of his sin if they are needy?

١٩٣٧ - حَدَّثَنا عُثمانُ بنُ أَبي شَيْبَةَ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنِ الزُّهْرِيِّ، عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: جاءَ رَجُلٌ إِلى النَّبِيِّ ﷺ فَقالَ: إِن الأَخِرَ وَقَعَ عَلى امْرَأَتِهِ في رَمَضانَ. فَقالَ: «أَتَجِدُ ما تُحَرِّرُ رَقَبَةً؟» قالَ: لا، قالَ: «أَفَتَسْتَطِيعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَتابِعَيْنِ؟» قالَ: لا، قالَ: «أَفَتَجِد ما تُطْعِمُ بِهِ سِتِّينَ مِسْكِيناً؟» قالَ: لا.

1937. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A man came to the Prophet ﷺ and said, "I had sexual intercourse with my wife in Ramaḍān [while observing *Ṣaum* (fasting)]." The Prophet ﷺ asked him, "Can you afford to manumit a slave?" He replied in the negative. The Prophet ﷺ asked him, "Can you observe *Ṣaum* (fast) for two successive months?" He replied in the negative. He asked him, "Can you afford to feed sixty poor persons?" He replied in the negative. (Abū Hurairah added): Then a basket full of dates was brought to the Prophet ﷺ and he said (to that man), "Feed (poor people) with this on your

behalf (by way of expiation)." He said, "(Should I feed it) to poorer people than we? There is no poorer house than ours between its (Al-Madīna's) mountains." The Prophet ﷺ said, "Then feed your family with it."

(32) CHAPTER. Cupping (letting out blood medically) and vomiting of a person observing *Ṣaum* (fast).

Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: "If a person observing *Ṣaum* (fast) vomits, that does not break his *Ṣaum* (fast), for while he vomits he expels something and does not swallow anything."

It is mentioned from Abū Hurairah that vomiting breaks the *Ṣaum* (fast), but the former narration is more authentic. Ibn 'Abbās and 'Ikrima said, "Observing *Ṣaum* (fast) means to stop taking food in, not taking it out." And Ibn 'Umar رَضِيَ اللهُ عَنْهُما used to be cupped while he was observing *Ṣaum* (fast) but later on he abandoned it and began to be cupped at night. Abū Mūsa was cupped at night. It is narrated that Sa'd, Zaid bin Arqam and Umm Ṣalama were cupped while observing *Ṣaum* (fast). Bukāir said: Umm 'Alqama, said: "We used to be cupped [during observing *Ṣaum* (fast)] in 'Āishа's presence and she did not object. Al-Ḥasan and others narrate on the authority of the Prophet ﷺ, "The cupping and the cupped persons break *Ṣaum* (fast) on practising this operation while *Ṣaum* (fast)." 'Āishah told me (Al-Bukhārī) that 'Abdul-A'lā narrated from Yūnus from Al-Ḥasan as above. Somebody asked him, "Was that statement reported from the Prophet ﷺ?" He replied, "Yes," and then added, "Allāh knows better."

قَالَ: فَأُتِيَ النَّبِيُّ ﷺ بِعَرَقٍ فِيهِ تَمْرٌ، وَهُوَ الزَّبِيلُ، قَالَ: «أَطْعِمْ هٰذَا عَنْكَ». قَالَ: عَلَى أَحْوَجَ مِنَّا؟ مَا بَيْنَ لَابَتَيْهَا أَهْلُ بَيْتٍ أَحْوَجُ مِنَّا. قَالَ: «فَأَطْعِمْهُ أَهْلَكَ». [راجع: ١٩٣٦]

(٣٢) بَابُ الحِجَامَةِ وَالقَيْءِ لِلصَّائِمِ

وقالَ لي يَحْيى بنُ صَالِحٍ: حدَّثنا مُعَاوِيَةُ بنُ سَلَّامٍ: حدَّثنا يَحْيى، عَنْ عُمَرَ ابنِ الحَكَمِ بنِ ثَوْبانَ: سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: إذَا قاءَ فَلا يُفْطِرُ، إنَّما يُخْرِجُ ولا يُولِجُ. ويُذْكَرُ عَنْ أبي هُرَيْرَةَ أنَّهُ يُفْطِرُ والأوَّلُ أَصَحُّ. وقالَ ابنُ عَبَّاسٍ وعِكْرِمَةُ: الصَّوْمُ مِمَّا دَخَلَ ولَيْسَ مِمَّا خَرَجَ. وكانَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما يَحْتَجِمُ وهُوَ صَائِمٌ، ثُمَّ تَرَكَهُ، فَكانَ يَحْتَجِمُ باللَّيْلِ. واحْتَجَمَ أبُو مُوسَى لَيْلاً. ويُذْكَرُ عَنْ سَعْدٍ وزَيْدِ بنِ أرْقَمَ وأُمِّ سَلَمَةَ أنَّهُم احْتَجَمُوا صِياماً. وقالَ بُكَيْرٌ، عَنْ أُمِّ عَلْقَمَةَ: كُنَّا نَحْتَجِمُ عِنْدَ عائِشَةَ فَلا نُنْهَى. ويُرْوَى عَنِ الحَسَنِ عَنْ غَيرِ واحِدٍ مَرْفُوعاً: «أَفْطَرَ الحَاجِمُ والمَحْجُومُ». وقالَ لي عَيَّاشٌ: حدَّثنا عَبْدُ الأعْلَى: حدَّثنا يُونُسُ، عَنِ الحَسَنِ مِثْلَهُ. قِيلَ لَهُ: عَنِ النَّبيِّ ﷺ؟ قالَ: نَعَمْ. ثُمَّ قالَ: اللهُ أعْلَمُ.

1938. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ was cupped while he was in the state of *Iḥrām*, and also while he was observing a *Ṣaum* (fast).[1]

١٩٣٨ - حَدَّثَنَا مُعلَّى بنُ أَسَدٍ: حدَّثنا وُهَيْبٌ، عَنْ أيُّوبَ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أَنَّ النَّبِيَّ ﷺ احْتَجَمَ وهُوَ مُحْرِمٌ واحْتَجَمَ وهُوَ صَائِمٌ. [راجع: ١٨٣٥]

1939. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ was cupped while he was observing *Ṣaum* (fast).

١٩٣٩ - حَدَّثَنَا أَبُو مَعْمَرٍ: حدَّثنا عَبْدُ الوَارِثِ: حدَّثنا أيُّوبُ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: احْتَجَمَ النَّبِيُّ ﷺ وهُوَ صَائِمٌ. [راجع: ١٨٣٥]

1940. Narrated Thābit Al-Bunānī: Anas bin Mālik رَضِيَ اللهُ عَنْهُ was asked whether they disliked the cupping for a person observing *Ṣaum* (fast). He replied in the negative and said, "Only if it causes weakness."

Narrated Shu'bah: In the lifetime of the Prophet ﷺ.

١٩٤٠ - حَدَّثَنَا آدَمُ بنُ أَبِي إياسٍ: حدَّثنا شُعْبَةُ قالَ: سَمِعْتُ ثابِتاً البُنانِيَّ قالَ: سُئِلَ أَنَسُ بنُ مالِكٍ رَضِيَ اللهُ عَنْهُ: أَكُنْتُمْ تَكْرَهُونَ الحِجامَةَ للصَّائِمِ؟ قالَ: لا، إلَّا مِنْ أَجْلِ الضَّعْفِ. وزَادَ شَبابَةُ: حدَّثنا شُعْبَةُ: عَلَى عَهْدِ النَّبِيِّ ﷺ.

(33) CHAPTER. To observe *Ṣaum* (fast) or not to observe *Ṣaum* during journeys.

(٣٣) بابُ الصَّومِ في السَّفَرِ والإفْطارِ

1941. Narrated Ibn Abī Aūfa رَضِيَ اللهُ عَنْهُ: We were in the company of Allāh's Messenger ﷺ on a journey. He said to a

١٩٤١ - حَدَّثَنَا عَلِيُّ بنُ عَبدِ اللهِ: حدَّثنا سُفْيانُ، عَنْ أَبي إسحَاقَ

(1) (H.1938) *Ḥadīth* No.1938 contradicts the *Ḥadīth* of Al-Ḥasan. Apparently the Muslim jurists have given various interpretations to discard this contradiction: Ash-Shāfi'ī says, "Both *Aḥadith* are correct, but the one narrated by Ibn 'Abbās is stronger as regards its series of narrators; yet it is better to avoid cupping while observing *Ṣaum* (fast). But the verdict is to be taken from the *Ḥadīth* of Ibn 'Abbās. I have the knowledge that the Prophet's Companions and their followers and all Muslim scholars think that cupping does not break one's *Ṣaum*."
Ibn Ḥazm thinks that Al-Ḥasan's *Ḥadīth* is invalidated by another authentic *Ḥadīth* narrated by Abū Sa'īd which goes: "The Prophet ﷺ permitted cupping for person. observing *Ṣaum* (fast)" (*Fatḥ Al-Bārī*).

الشَّيْبانِيِّ: سَمِعَ ابنَ أَبي أَوْفى رَضِيَ اللهُ عَنْهُ قالَ: كُنَّا مَعَ رَسُولِ اللهِ ﷺ في سَفَرٍ فَقالَ لِرَجُلٍ: «انْزِلْ فاجْدَحْ لِي». قالَ: يا رَسُولَ اللهِ، الشَّمْسَ. قالَ: «انْزِلْ فاجْدَحْ لِي» قال: يا رسول الله الشَّمْسَ، قَالَ: «انزِل فاجْدَحْ لي». فنَزَلَ فَجَدَحَ لَهُ فَشَرِبَ ثُمَّ رَمى بِيَدِهِ هٰهُنا، ثُمَّ قالَ: «إِذا رَأَيْتُمُ اللَّيْلَ أَقْبَلَ مِن هاهُنا فَقَدْ أَفْطَرَ الصَّائِمُ». تابَعَهُ جَرِيرٌ وأَبُو بَكْرِ بنُ عَيَّاشٍ، عَنِ الشَّيْبانِيِّ، عَنِ ابنِ أَبي أَوْفى، قالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ في سَفَرٍ. [انظر: ١٩٥٥، ١٩٥٦، ١٩٥٨، ٥٢٩٧]

man, "Get down and mix *Sawīq*[1] (powdered roasted barley or wheat grain) with water for me." The man said, "The sun (has not set yet),[2] O Allāh's Messenger" The Prophet ﷺ again said to him, "Get down and mix *Sawīq* with water for me." The man again said, "O Allāh's Messenger! The sun"! The Prophet ﷺ said to him (for the third time), "Get down and mix *Sawīq* with water for me." The man dismounted and mixed *Sawīq* with water for him. The Prophet ﷺ drank it and then beckoned with his hand (towards the east) and said, "When you see the night falling from this side, then a person observing *Ṣaum* (fast) should break his *Ṣaum* (fast)".

١٩٤٢ - **حَدَّثَنا** مُسَدَّدٌ: حدَّثَنا يَحيى، عَنْ هِشامٍ قَالَ: حدَّثَنِي أَبي، عَنْ عائِشَةَ: أَنَّ حَمْزَةَ بنَ عَمْرٍو الأَسْلَمِيَّ قالَ: يا رَسُولَ اللهِ، إِنِّي أَسْرُدُ الصَّوْمَ. [انظر: ١٩٤٣]

1942. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Ḥamza bin 'Amr Al-Aslamī said, "O Allāh's Messenger! I observe *Ṣaum* (fast) continuously."

١٩٤٣ - **حَدَّثَنا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالكٌ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أَبيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهَا زَوْجِ النَّبِيِّ ﷺ أَنَّ حَمْزَةَ بنَ عَمْرٍو الأَسْلَمِيَّ قالَ لِلنَّبِيِّ ﷺ: أَأَصُومُ فِي السَّفَرِ؟ وكانَ كَثِيرَ الصِّيامِ، فَقالَ: «إِنْ شِئْتَ فَصُمْ، وإِنْ شِئْتَ فَأَفْطِرْ». [راجع: ١٩٤٢]

1943. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا, the wife of the Prophet ﷺ: Ḥamza bin 'Amr Al-Aslamī asked the Prophet ﷺ, "Should I observe *Ṣaum* (fast) while travelling?" The Prophet ﷺ replied, "You may observe *Ṣaum* (fast) if you wish, and you may not observe *Ṣaum* (fast) if you wish."

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(1) (H.1941) *Sawīq*: See Glossary.
(2) (H.1941) His saying: "The sun (has not set yet)" indicates that the Prophet ﷺ was observing *Ṣaum* (fast) and the man meant that the time of *Iftār* (breaking the *Ṣaum*) was not due.

(34) CHAPTER. If a person observed *Ṣaum* (fast) some days of Ramaḍān and then went on a journey (is it permissible for him to break his *Ṣaum*).

(٣٤) بابٌ: إِذَا صَامَ أَيَّاماً مِنْ رَمَضَانَ ثُمَّ سافَر

1944. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ set out for Makkah in Ramaḍān and he observed *Ṣaum* (fast), and when he reached Al-Kadīd, he broke his *Ṣaum* (fast) and the people (with him) broke their *Ṣaum* (fast) too.

(Abū 'Abdullāh said, "Al-Kadīd is a land covered with water between 'Usfān and Qudaid.")

١٩٤٤ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبرَنا مالكٌ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ ابنِ عَبْدِ اللهِ بنِ عُتْبَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ خَرَجَ إلى مَكَّةَ في رَمَضَانَ فَصَامَ حتَّى بَلَغَ الكَدِيدَ أَفْطَر فأَفْطَرَ النَّاسُ.

قالَ أَبُو عَبْدِ اللهِ: والكَدِيدُ ماءٌ بَين عُسْفانَ وقُدَيْدٍ. [انظر: ١٩٤٨، ٢٩٥٣، ٤٢٧٥، ٤٢٧٦، ٤٢٧٧، ٤٢٧٨، ٤٢٧٩]

(35) CHAPTER.

(٣٥) بابٌ:

1945. Narrated Abū Ad-Dardā' رَضِيَ اللهُ عَنْهُ: We set out with Allāh's Messenger ﷺ on one of his journeys on a very hot day, and it was so hot that one had to put his hand over his head because of the severity of heat. None of us was observing *Ṣaum* (fast) except the Prophet ﷺ and Ibn Rawāḥa.

١٩٤٥ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثنا يَحْيى بنُ حَمْزَةَ، عَنْ عَبْدِ الرَّحْمٰنِ ابنِ يَزِيدَ بنِ جابِرٍ: أَنَّ إسماعِيلَ بنَ عُبَيْدِ اللهِ: حدَّثَهُ عَنْ أُمِّ الدَّرْدَاءِ، عَنْ أَبي الدَّرْدَاءِ رَضِيَ اللهُ عَنْهُ قالَ: خَرَجْنا مَعَ رَسُولِ اللهِ ﷺ في بَعْضِ أَسْفارِه في يَوْمٍ حارٍّ حتَّى يَضَعَ الرَّجُلُ يدَهُ عَلى رَأْسِهِ مِنْ شِدَّةِ الحَرِّ وما فِينا صَائِمٌ إلَّا ما كانَ مِنَ النَّبيِّ ﷺ وابنِ رَوَاحَةَ.

(36) CHAPTER. The saying of the Prophet ﷺ to the person observing *Ṣaum* (fast) who was being shaded on a very hot day, "It is not from *Al-Birr* (righteousness) to observe *Aṣ-Ṣaum* (the fast) on a journey."

(٣٦) بابُ قَوْلِ النَّبيِّ ﷺ لِمَنْ ظُلِّلَ عَلَيْهِ واشْتَدَّ الحَرُّ: «لَيْسَ مِنَ البِرِّ الصِّيَامُ في السَّفَرِ»

1946. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ was on a journey and saw a crowd of people, and a man was being shaded (by them). He asked, "What is the matter?" They said, "He (the man) is observing *Ṣaum* (fast)." The Prophet ﷺ said, "It is not from *Al-Birr* (righteousness) to observe *Aṣ-Ṣaum* (the fast) on a journey."(1)

١٩٤٦ - حَدَّثَنَا آدَمُ: حدَّثنا شُعْبَةُ: حدَّثنا مُحَمَّدُ بنُ عَبْدِ الرَّحْمٰنِ الأَنْصارِيُّ قالَ: سَمِعْتُ مُحَمَّدَ بنَ عَمْرِو بنِ الحَسَنِ ابنِ عَلِيٍّ عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمْ قالَ: كانَ رَسُولُ اللهِ ﷺ في سَفَرٍ فَرَأَى زِحاماً ورَجُلاً قَدْ ظُلِّلَ عَلَيْهِ فَقالَ: «ما هذا؟» فَقالُوا: صَائِمٌ، فَقالَ: «لَيْسَ مِنَ البِرِّ الصَّوْمُ في السَّفَرِ».

(37) CHAPTER. The Companions of the Prophet ﷺ did not criticize each other for observing *Ṣaum* (fast) or not observing *Ṣaum* (fast) (on journeys).

(٣٧) بابٌ: لَمْ يَعِبْ أَصْحابُ النَّبِيِّ ﷺ بَعْضُهُمْ بَعْضاً في الصَّوْمِ والإِفْطارِ

1947. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: We used to travel with the Prophet ﷺ and neither did the persons observing *Ṣaum* (fast) criticize those who were not observing *Ṣaum* (fast), nor did those who were not observing *Ṣaum* (fast) criticize the ones who were observing *Ṣaum* (fast).

١٩٤٧ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ ابنِ مالِكٍ قالَ: كُنَّا نُسافِرُ مَعَ النَّبِيِّ ﷺ فَلَمْ يَعِبِ الصَّائِمُ عَلى المُفْطِرِ ولا المُفْطِرُ عَلى الصَّائِمِ.

(38) CHAPTER. Whoever broke his *Ṣaum* (fast) on a journey (publicly) so that people might see him.

(٣٨) بابُ مَنْ أَفْطَرَ في السَّفَرِ لِيَراهُ النَّاسُ

1948. Narrated Ṭāwūs: Ibn 'Abbās رَضِيَ اللهُ عَنْهُما set out from Al-Madīna to Makkah and he observed *Ṣaum* (fast) till he reached 'Usfān, where he asked for water and raised his hand to let the people see him, and then

١٩٤٨ - حَدَّثَنَا مُوسَى بنُ إِسْماعِيلَ: حدَّثنا أَبُو عَوانَةَ، عَنْ مَنْصُورٍ، عَنْ مُجاهِدٍ، عَنْ طاوُسٍ،

(1) (H.1946) The *Aḥādīth* of this chapter show that it is permissible for one to observe *Ṣaum* (fast) or break his *Ṣaum* while travelling. But it is recommended for a healthy, strong person to observe *Ṣaum*, whereas a weak or sick person is recommended not to observe *Ṣaum* (fast). The saying of the Prophet ﷺ, "It is not from *Al-Birr* (righteousness) to observe *Ṣaum* (fast) on a journey," is applicable to a particular case, i.e., when one is so weak or sick that observing *Ṣaum* (fast) would harm him. In such case one has to break his *Ṣaum* (fast), for Allāh does not like His devotees to harm themselves needlessly.

عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: خَرَجَ رَسُولُ اللهِ ﷺ مِنَ المَدِينَةِ إلى مَكَّةَ فَصامَ حَتَّى بَلَغَ عُسْفانَ، ثُمَّ دَعا بِماءٍ فَرَفَعَهُ إلى يَدِهِ لِيَرَاهُ النَّاسُ فأَفْطَرَ حتَّى قَدِمَ مَكَّةَ، وذلكَ في رَمَضانَ. فَكانَ ابنُ عَبَّاسٍ يَقُولُ: قَدْ صامَ رَسُولُ اللهِ ﷺ وأَفْطَرَ فمَنْ شاءَ صامَ ومَنْ شاءَ أَفْطَرَ. [راجع: ١٩٤٤]

broke the *Ṣaum* (fast), and did not observe *Ṣaum* (fast) after that till he reached Makkah, and that happened in Ramaḍān.

Ibn 'Abbās used to say, "Allāh's Messenger ﷺ (sometimes) observed *Ṣaum* (fast) and (sometimes) did not observe *Ṣaum* (fast) during the journeys, so whoever wished not to observe *Ṣaum* (fast), could do so."

(٣٩) بابٌ: ﴿وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ﴾ [البقرة: ١٨٤].

(39) CHAPTER. (The Statement of Allāh تعالى): "And as for those who can fast with difficulty (e.g. the aged etc.) they have (a choice either to fast or) to feed a *Miskīn* (poor person) (for every day)."(1) (V.2:184)

قالَ ابنُ عُمَرَ وسَلَمَةُ بنُ الأَكْوَعِ: نَسَخَتْها: ﴿شَهْرُ رَمَضَانَ الَّذِى أُنزِلَ فِيهِ﴾ إِلَى قَوْلِهِ ﴿عَلَى مَا هَدَىٰكُمْ وَلَعَلَّكُمْ تَشْكُرُونَ﴾

Ibn 'Umar and Salama bin Al-Akwa' said that the provision of the above Verse was abrogated by the following Verse:

"The month of Ramaḍān in which was revealed the Qur'ān.. (up to).. for having guided you, so that you may be grateful to Him." (V.2:185).

وقالَ ابنُ نُمَيرٍ: حدَّثَنا الأَعمَشُ: حدَّثَنا عَمْرُو بنُ مُرَّةَ: حدَّثَنا ابنُ أَبي لَيْلى: حدَّثَنا أَصْحابُ مُحَمَّدٍ ﷺ: نَزَلَ رَمَضانُ فَشَقَّ عَلَيْهِمْ فكانَ مَنْ أَطْعَمَ كُلَّ يَوْمٍ مِسْكِيناً تَرَكَ الصَّوْمَ مِمَّنْ يُطِيقُهُ، ورُخِّصَ لَهُمْ في ذٰلكَ فَنَسَخَتْها: ﴿وَأَن تَصُومُوا خَيْرٌ لَّكُمْ﴾ فأُمِرُوا بِالصَّوْمِ.

Narrated Ibn Abī Lailā: The companions of Prophet Muḥammad ﷺ: said that when observing *Ṣaum* (fast) in Ramaḍān was prescribed (for the first time), they could not endure it. So, whoever fed a poor person every day (of Ramaḍān) did not observe *Ṣaum* (fast) [although he had the power to observe *Ṣaum* (fast)], and was permitted to do so. Then this order was cancelled by the Verse: "...And that you observe *Ṣaum* (fast)

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(1) (Ch.39) The Verse is interpreted in two ways. It may mean: Those who are able to observe *Ṣaum* (fast) but do not wish to fast, should give *Fidya*. The scholars who interpret the verse in this way say that the provision of this verse was abrogated by another verse where all Muslims were ordered to observe *Ṣaum* (fast). Other scholars interpret the Verse as meaning: Those who are able to observe fast only with great difficulty like very old people or a woman who has to nurse her newly born child, etc., are permitted not to observe fast and give the *Fidya* in recompensation. Ibn 'Umar gives the first verdict but Ibn 'Abbās thinks that the second is the right one. (*Fatḥ Al-Bārī*).

is better for you." (V.2:184), so they were ordered to observe *Ṣaum* (fast).

١٩٤٩ - حَدَّثَنَا عَيَّاشٌ: حدَّثنا عَبدُ الأعْلى: حدَّثنا عُبَيْدُ اللهِ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: قَرَأَ ﴿فِدْيَةٌ طَعَامُ مَسَـٰكِينَ﴾ قالَ: هِيَ مَنْسُوخَةٌ. [انظر: ٤٥٠٦]

1949. Narrated Nāfi': Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا recited the Verse: "They had a choice either to observe *Ṣaum* (fast) or to feed a poor person for every day, and said that the order of this Verse was cancelled.

(٤٠) **بابٌ**: مَتى يُقْضى قَضاءُ رَمَضانَ؟

(40) CHAPTER. When to make up for the missed days of fasting of Ramaḍān.

وقالَ ابنُ عَبَّاسٍ: لا بَأْسَ أَنْ يُفَرَّقَ لِقَوْلِ اللهِ تَعالى: ﴿فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ﴾ وقالَ سَعِيدُ بنُ المُسَيَّبِ في صَوْمِ العَشْرِ: لا يَصْلُحُ حتَّى يَبْدَأَ بِرَمَضانَ، وقالَ إبْراهِيمُ: إذَا فَرَّطَ حتَّى جاءَ رَمَضانٌ آخَرُ يَصُومُهُما ولَمْ يَرَ عَلَيْهِ إطعَاماً، ويُذْكَرُ عَنْ أبي هُرَيْرَةَ مُرْسَلاً، وَعَنْ ابنِ عَبَّاسٍ: أَنَّهُ يُطْعِمُ. ولَمْ يَذْكُرِ اللهُ تَعالَى الإطْعامَ إنَّما قالَ: ﴿فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ﴾.

Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا said, "There is no harm to observe fasting intermittently, as the Statement of Allāh تعالى shows: "... The same number [of days which one did not observe *Ṣaum* (fasts) must be made up] from other days..."

Sa'īd bin Al-Musaiyab said: "The ten days of *Ṣaum* (fasting) (as *Nawāfil* of Dhul-Ḥijjah) should not be observed till the fasting in lieu of the missed days of Ramaḍān were completed."

Ibrāhīm said: "If somebody did not observe *Ṣaum* (fast) in lieu of the missed days of Ramaḍān till the next Ramaḍān came, then he should observe *Ṣaum* (fast) the present Ramaḍān and then the missed days of the previous Ramaḍān." Ibrāhīm did not think that that person should feed the poor (as *Fidya*).

Narrated Abū Hurairah indirectly on the authority of the Prophet ﷺ and Ibn 'Abbās that he should feed the poor. But Allāh does not mention the feeding of the poor but only says: "... The same number [of days which one did not observe *Ṣaum* (fasts) must be made up] from other days..."

١٩٥٠ - حَدَّثَنَا أَحْمَدُ بنُ يُونُسَ:

1950. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Sometimes I missed some days of

Ramaḍān, but could not observe *Ṣaum* (fast) in lieu of them except in the month of Sha'bān." Yaḥyā, (a subnarrator) said, "She used to be busy serving the Prophet ﷺ."

حدَّثنا زُهيرٌ عَنْ يَحْيى، عَنْ أبي سَلَمَةَ قالَ: سَمِعْتُ عائِشَةَ رَضِيَ اللهُ عَنْها تَقُولُ: كانَ يَكُونُ عَلَيَّ الصَّوْمُ مِنْ رَمَضانَ فما أَسْتَطِيعُ أَنْ أَقْضِيَهُ إلَّا في شَعْبانَ. قالَ يَحْيى: الشُّغلُ مِنَ النَّبِيِّ، أَوْ بالنَّبِيِّ ﷺ.

(41) CHAPTER. The menstruating women should leave the *Ṣaum* (fast) and *Aṣ-Ṣalāt* (the prayer).

(٤١) بابٌ الحائِضِ تَتْرُكُ الصَّوْمَ والصَّلاةَ،

Abū Az-Zinād said, "Very often the *Sunna* (legal ways) and the truth go against the opinions, and for the Muslims there is no way out except to follow the truth and the *Sunna* (legal ways) of the Prophet ﷺ, and an example of that is that a menstruating woman should observe *Ṣaum* (fast) in lieu of her missed *Ṣaum*, but she is not to offer the *Ṣalāt* (prayer) in lieu of her missed *Ṣalāt*."

وقالَ أبُو الزِّنادِ: إنَّ السُّنَنَ ووُجُوهَ الحَقِّ لَتأتي كثيراً عَلى خِلافِ الرَّأيِ، فَما يَجِدُ المُسْلِمُونَ بُدّاً مِنِ اتِّباعِها. مِنْ ذٰلكَ أَنَّ الحائِضَ تَقْضِي الصِيامَ ولا تَقْضِي الصَّلاةَ.

1951. Narrated Abū Sa'īd رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Isn't it true that a woman does not offer *Ṣalāt* (prayer) and does not observe *Ṣaum* (fast) on menstruating? And that is the defect (a loss) in her religion."

١٩٥١ - حَدَّثَنا ابنُ أبي مَرْيَمَ: حدَّثنا مُحَمَّدُ بنُ جَعْفَرٍ قالَ: حدَّثَني زَيْدٌ، عَنْ عِياضٍ، عَنْ أَبي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ ﷺ: «أَلَيْسَ إذا حاضَتْ لَمْ تُصَلِّ ولَمْ تَصُمْ؟ فَذٰلِكَ مِنْ نُقْصانِ دِينِها».

[راجع: ٣٠٤]

(42) CHAPTER. Whoever died and he ought to have observed *Ṣaum* (fast) (the missed days of Ramaḍān, can somebody else observe *Ṣaum* instead of him?)

(٤٢) بابٌ مَنْ ماتَ وعَلَيْهِ صَوْمٌ،

Al-Ḥasan said, "If thirty men observe *Ṣaum* (fast) one day on his behalf then it will be sufficient."

وقالَ الحَسَنُ: إنْ صامَ عَنْهُ ثَلاثُونَ رَجُلاً يَوْماً واحِداً جازَ.

1952. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Allāh's Messenger ﷺ said, "Whoever died and he ought to have observed *Ṣaum* (fast)

١٩٥٢ - حَدَّثَنا مُحَمَّدُ بنُ خالِدٍ: حدَّثنا مُحَمَّدُ بنُ مُوسَى بنِ أَعْيَنَ:

حدَّثَنا أَبي، عَنْ عَمْرِو بنِ الحَارِثِ، عَنْ عُبَيْدِ اللهِ بنِ أَبي جَعْفَرٍ: أَنَّ مُحَمَّدَ بنَ جَعْفَرٍ: حدَّثَهُ عَنْ عُرْوَةَ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «مَنْ ماتَ وعَلَيْهِ صِيامٌ صَامَ عَنْهُ وَلِيُّهُ».

تابَعَهُ ابنُ وَهْبٍ عَنْ عَمْرٍو، وَرَوَاهُ يَحْيَى بنُ أَيُّوبَ عَنِ ابنِ أَبي جَعْفَرٍ.

(the missed days of Ramaḍān) then his guardians must observe *Ṣaum* (fast) on his behalf."

١٩٥٣ - حَدَّثَنا مُحَمَّدُ بنُ عَبْدِ الرَّحِيمِ: حدَّثنا مُعاوِيَةُ بنُ عَمْرٍو: حدَّثَنا زَائِدَةُ عَنِ الأَعمَشِ؛ عَنْ مُسْلِمٍ البَطِينِ، عَنْ سَعِيدِ بنِ جُبَيرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما، قالَ: جاءَ رَجُلٌ إلى النَّبِيِّ ﷺ فَقالَ: يا رَسُولَ اللهِ، إنَّ أُمِّي ماتَتْ وعَلَيْها صَوْمُ شَهْرٍ، فَأَقْضِيه عَنها؟ قالَ: «نَعَمْ»، «فَدَيْنُ اللهِ أَحَقُّ أَنْ يُقْضَى». قالَ سُلَيمانُ: فَقالَ الحَكَمُ وسَلَمَةُ: ونَحنُ جَمِيعاً جلُوسٌ حِينَ حدَّثَ مُسْلِمٌ بِهذَا الحَدِيثِ. قالا: سَمِعْنا مُجَاهِداً يَذْكُرُ هذَا عَنِ ابنِ عَبَّاسٍ ويَذْكُرُ عَنْ أَبي خالِدٍ: حدَّثَنا الأَعمَشُ، عَنِ الحَكَمِ ومُسْلمٍ البَطِينِ وسَلَمَةَ بنِ كُهَيْلٍ، عَنْ سَعِيدِ بنِ جُبَيرٍ وعَطاءٍ ومُجَاهِدٍ، عَنِ ابنِ عَبَّاسٍ: قالَت امْرَأَةٌ للنَّبِيِّ ﷺ: إنَّ أُخْتِي ماتَتْ. وقالَ يَحْيَى وأَبُو مُعاوِيَةَ، عَنِ الأَعمَشِ، عَنْ مُسْلِمٍ

1953. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: A man came to the Prophet ﷺ and said, "O Allāh's Messenger! My mother died and she ought to have observed *Ṣaum* (fast) one month (for her missed Ramaḍān). Shall I observe *Ṣaum* on her behalf?" The Prophet ﷺ replied in the affirmative and said, "Allāh's debts have more right to be paid."

Sulaiman said: Al-Hakam and Salama said: We were all there when Muslim narrated this *Ḥadīṯẖ*. They said: We heard Mujahid saying this on Ibn 'Abbās' authority, and the authority of Abī K̲h̲alid that: Al-A'mash told Abī K̲h̲alid on the authority of Al-Hakam and Muslim Al-Batin and Salama bin Kuhail who heard Sa'īd bin Jubair, Aṭa and Mujahid that Ibn 'Abbās said.

In another narration a woman is reported to have said, "My sister died and Yahya and Abū Mu'awiya on the authority of Al-A'mash who said on the authority of Sa'īd who said he heard Ibn 'Abbās saying, "A woman said to the Prophet ﷺ, 'My mother died...' " and Ubaidullāh bin 'Amr on the authority of Zaid bin Abī Unaisa who was told by Al-Hakam who was in turn told by Sa'īd who reported Ibn 'Abbās said, ": A woman said to the Prophet ﷺ, 'My mother died and she had vowed to observe *Ṣaum* (fast) but she didn't

observe *Ṣaum* (fast).'" In another narration Ibn 'Abbās is reported to have said, "A woman said to the Prophet ﷺ, 'My mother died while she ought to have observed *Ṣaum* (fast) for fifteen days.'"

عَنْ سَعِيدٍ، عَنِ ابنِ عَبَّاسٍ: قالَتِ امْرَأةٌ للنَّبيِّ ﷺ: إنَّ أُمِّي ماتَتْ. وقالَ عُبَيْدُ اللهِ بنُ عَمْرٍو، عَنْ زَيْدِ بنِ أبي أُنَيْسَةَ، عَنِ الحَكَمِ، عَنْ سَعِيدٍ، عَنِ ابنِ عَبَّاسٍ: قالَتْ امْرَأةٌ للنَّبيِّ ﷺ: إنَّ أُمِّي ماتَتْ وعَلَيْها صَوْمُ نَذْرٍ. وقالَ أبُو حَرِيزٍ: حدَّثنا عِكْرِمَةُ عَنِ ابنِ عَبَّاسٍ: قالَتِ امْرَأةٌ للنَّبيِّ ﷺ: ماتَتْ أُمِّي وعَلَيْها صَوْمُ خَمْسَةَ عَشَرَ يَوْماً.

(43) CHAPTER. When should the person observing *Ṣaum* (fast) break his *Ṣaum* (fast)?

(٤٣) بابٌ: مَتى يَحِلُّ فِطْرُ الصَّائِمِ؟

And Abū Sa'īd Al-Khudrī broke his *Ṣaum* (fast) as soon as the sun's disc set (disappeared).

وأفْطَرَ أبُو سَعِيدٍ الخُدْرِيُّ حِينَ غابَ قُرْصُ الشَّمْسِ.

1954. Narrated 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "When night falls from this side and the day vanishes from this side and the sun sets, then the person observing *Ṣaum* (fast) should break his *Ṣaum* (fast)".

١٩٥٤ - **حَدَّثَنا** الحُمَيْدِيُّ: حدَّثنا سُفْيانُ: حدَّثنا هِشامُ بنُ عُرْوَةَ قالَ: سَمِعْتُ أبي يَقُولُ: سَمِعْتُ عاصِمَ بنَ عُمَرَ بنِ الخَطابِ، عَنْ أبِيهِ رَضِيَ اللهُ عَنْهُ، قالَ: قالَ رَسُولُ اللهِ ﷺ: «إذا أقْبَلَ اللَّيْلُ مِنْ هَاهُنا وأدْبَرَ النَّهارُ مِنْ هاهُنا وغَرَبَتِ الشَّمْسُ فَقَدْ أفْطَرَ الصَّائِمُ».

1955. Narrated 'Abdullāh bin Abī Aūfā رَضِيَ اللهُ عَنْهُما: We were in the company of the Prophet ﷺ on a journey and he was observing *Ṣaum* (fast), and when the sun set, he addressed somebody, "O so-and-so, get up and mix *Sawīq* with water for us." He replied, "O Allāh's Messenger! (Will you wait) till it is evening?" The Prophet ﷺ said, "Get down and mix *Sawīq* with water for us."

١٩٥٥ - **حَدَّثَنا** إسحَاقُ الواسِطِيُّ: حدَّثنا خالِدٌ، عَنِ الشَّيْبانيِّ، عَنْ عَبْدِ اللهِ ابنِ أبي أوْفى رَضِيَ اللهُ عَنْهُ قالَ: «كُنَّا مَعَ النَّبيِّ ﷺ في سَفَرٍ وهُوَ صَائِمٌ، فَلَمَّا غابَتِ الشَّمْسُ قالَ لِبَعْضِ القَوْمِ: «يا فُلانُ،

He replied, "O Allāh's Messenger! (If you wait) till it is evening." The Prophet ﷺ said again, "Get down and mix *Sawīq* with water for us." He replied, "It is still daytime."[1] The Prophet ﷺ said again, "Get down and mix *Sawīq* with water for us." He got down and mixed *Sawīq* for them. The Prophet ﷺ drank it and then said, "When you see night falling from this side, the fasting person should break his *Ṣaum* (fast)."

قُمْ فاجْدَحْ لَنا»، فَقالَ: يا رَسُولَ اللهِ لَوْ أَمْسَيْتَ، قالَ: «انْزِلْ فاجْدَحْ لَنا»، قالَ: يا رَسُولَ اللهِ فَلَوْ أَمْسَيْتَ، قالَ: «انْزِلْ فاجْدَحْ لَنا»، قالَ: إنَّ عَلَيْكَ نَهاراً. قالَ: «انْزِلْ فاجْدَحْ لَنا»، فَنَزَلَ فَجَدَحَ لَهُمْ فَشَرِبَ رَسُولُ اللهِ ﷺ ثُمَّ قالَ: «إذا رَأَيْتُمُ اللَّيْلَ قَدْ أَقْبَلَ مِنْ هاهُنا فَقَدْ أَفْطَرَ الصَّائِمُ». [راجع: ١٩٤١]

(44) CHAPTER. *Ifṭār [to break the Ṣaum* (fast)] with the available water or anything else.

(٤٤) بابٌ: يُفْطِرُ بِما تَيَسَّرَ مِنَ الْمَاءِ أَوْ غَيْرِهِ

1956. Narrated 'Abdullāh bin Abī Aūfa رَضِيَ اللهُ عَنْهُما: We were travelling with Allāh's Messenger ﷺ and he was observing *Ṣaum* (fast), and when the sun set, he said to (someone), "Get down and mix *Sawīq* with water for us." He replied, "O Allāh's Messenger! (Will you wait) till it is evening?" The Prophet ﷺ again said, "Get down and mix *Sawiq* with water for us." He replied, "O Allāh's Messenger! It is still daytime." The Prophet ﷺ said again, "Get down and mix *Sawīq* with water for us." So, he got down and carried out that order. The Prophet then said, "When you see night falling from this side, the person observing *Ṣaum* (fast) should break his *Ṣaum* (fast)" and he beckoned with his finger towards the east.

١٩٥٦ - حَدَّثَنا مُسَدَّدٌ: حَدَّثَنا عَبْدُ الْوَاحِدِ: حَدَّثَنا الشَّيْبانِيُّ سُلَيمانُ قالَ: سَمِعْتُ عَبْدَ اللهِ بنَ أَبي أَوْفى رَضِيَ اللهُ عَنْهُ قالَ: سِرْنا مَعَ رَسُولِ اللهِ ﷺ وهُوَ صَائِمٌ فَلَمَّا غَرَبَتِ الشَّمْسُ قالَ: «انْزِلْ فاجْدَحْ لَنا»، قالَ: يا رَسُولَ اللهِ لَوْ أَمْسَيْتَ، قالَ: «انْزِلْ فاجْدَحْ لَنا»، قالَ: يا رَسُولَ اللهِ إنَّ عَلَيْكَ نَهاراً، قالَ: «انْزِلْ فاجْدَحْ لَنا». فَنَزَلَ فَجَدَحَ. ثُمَّ قالَ: «إذا رَأَيتمُ اللَّيْلَ أَقْبَلَ مِنْ هاهُنا فَقَدْ أَفْطَرَ الصَّائِمُ»، وأَشارَ بِإصْبَعِهِ قِبَلَ الْمَشْرِقِ. [راجع: ١٩٤١]

(45) CHAPTER. To hasten the *Ifṭār* [breaking of the fast].

(٤٥) بابُ تَعْجِيلِ الإفْطارِ

1957. Narrated Sahl bin Sa'd: Allāh's

١٩٥٧ - حَدَّثَنا عَبْدُ اللهِ بنُ

(1) (H.1955) Perhaps that companion of the Prophet ﷺ thought that the sun had not set but was still hidden behind a hill or the like, or it was cloudy and thus was not sure of the setting of the sun. (*Fatḥ Al-Bārī*)

يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ أَبي حازِمٍ، عَنْ سَهْلِ ابنِ سَعْدٍ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «لا يَزالُ النّاسُ بِخَيرٍ ما عَجَّلُوا الفِطْرَ».

Messenger ﷺ said, "The people will remain on the right path as long as they hasten the *Ifṭār* [breaking of the *Ṣaum* (fast)]."

١٩٥٨ - حَدَّثَنا أَحْمَدُ بنُ يُونُسَ: حدَّثَنا أَبُو بَكْرٍ، عَنْ سُلَيمانَ، عَنِ ابنِ أَبي أَوْفى رَضِيَ اللهُ عَنْهُ قالَ: كُنْتُ مَعَ النَّبيِّ ﷺ في سَفَرٍ فَصامَ حَتَّى أَمْسَى، قالَ لِرَجُلٍ: «انْزِلْ فاجْدَحْ لي»، قالَ: لَوِ انْتَظَرْتَ حَتَّى تُمْسِيَ، قالَ: «انْزِلْ فاجْدَحْ لي»، إذا رَأَيْتَ اللَّيْلَ قَدْ أَقْبَلَ مِنْ هاهُنا فَقَدْ أَفْطَرَ الصّائِمُ». [راجع: ١٩٤١]

1958. Narrated Ibn Abī Aūfa رَضِيَ اللهُ عَنْهُما: I was with the Prophet ﷺ on a journey, and he observed the *Ṣaum* (fast) till evening. The Prophet ﷺ said to a man, "Get down and mix *Sawīq* with water for me." He replied, "Will you wait till it is evening?" The Prophet ﷺ said, "Get down and mix *Sawīq* with water for me; when you see night falling from this side, the person observing *Ṣaum* (fast) should *Ifṭār* [break his *Ṣaum* (fast)]."

(٤٦) بابٌ: إذا أَفْطَرَ في رَمَضانَ ثُمَّ طَلَعَتِ الشَّمْسُ

(46) CHAPTER. If somebody *Aftara* [breaks the *Ṣaum* (fast)], thinking that the sun has set and then sees the sun still visible. [Should he make up for that *Ṣaum*?)

١٩٥٩ - حَدَّثَني عَبْدُ اللهِ بنُ أَبي شَيْبَةَ: حدَّثَنا أَبُو أُسامَةَ، عَنْ هِشامِ بنِ عُرْوَةَ، عَن فاطِمَةَ عَنْ أَسماءَ بِنْتِ أَبي بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَتْ: أَفْطَرْنا عَلى عَهْدِ النَّبيِّ ﷺ يَوْمَ غَيمٍ ثُمَّ طَلَعَتِ الشَّمْسُ. قِيلَ لِهِشامٍ: فأُمِرُوا بالقَضاءِ؟ قالَ: بُدٌّ مِنْ قَضاءٍ. وقالَ مَعْمَرٌ: سَمِعْتُ هِشاماً يَقُولُ: لا أَدْرِي أَقَضَوْا أَمْ لا.

1959. Narrated Abū Usāma: Hishām bin 'Urwa said on the authority of Fāṭima: Asmā bint Abī Bakr رَضِيَ اللهُ عَنْهُما said, "We broke our fast (*Ifṭār*) during the lifetime of the Prophet ﷺ on a cloudy day and then the sun appeared." Hishām was asked, "Were they ordered to observe fasting in lieu of that day?" He replied, "It had to be made up for." Ma'mar said, "I heard Hishām saying, "I don't know whether they observed fasting in lieu of that day or not.".

[See *Fatḥ Al-Bārī*]

(٤٧) بابُ صَوْمِ الصِّبْيانِ،

(47) CHAPTER. *Ṣaum* (fasting) of boys (children etc.)

وقالَ عُمَرُ رَضِيَ اللهُ عَنْهُ لِنَشْوانَ

And 'Umar رَضِيَ اللهُ عَنْهُ said to a drunk in the month of Ramaḍān, "Woe to you!

(Even) our boys (children etc.) are observing *Ṣaum* (fast) (and you are drunk!)" And then he gave him the legal punishment.

في رَمَضانَ: ويْلَكَ، وصِبْيانُنا صِيامٌ! فَضَرَبَهُ.

1960. Narrated Ar-Rubai' bint Mu'awwidh: The Prophet ﷺ sent a messenger to the village of the *Anṣār* in the morning of the day of *'Āshūra'* (10th of Muharram) to announce: "Whoever has eaten something should not eat but complete the *Ṣaum* (fast), and whoever is observing the *Ṣaum* (fast) should complete it." She further said, "Since then we used to observe *Ṣaum* (fast) on that day regularly and also make our boys (children etc.) to observe fasting. We used to make toys of wool for the boys (children etc.) and if anyone of them cried for food, he was given those toys till it was the time of the *Iftār* [breaking of the *Ṣaum* (fast)]".

١٩٦٠ - حَدَّثَنَا مُسَدَّدٌ: حدَّثنا بِشْرُ ابنُ المُفضَّلِ عَنْ خالِدِ بنِ ذَكْوانَ، عَنِ الرُّبَيِّعِ بِنْتِ مُعَوِّذٍ قالَتْ: أَرْسَلَ النَّبِيُّ ﷺ غَداةَ عاشوراءَ إلى قُرَى الأنْصارِ: «مَنْ أَصْبَحَ مُفْطِراً فَلْيُتِمَّ بَقِيَّةَ يَوْمِهِ، ومَنْ أَصْبَحَ صائماً فَلْيَصُمْ» قالَتْ: فَكُنَّا نَصُومُه بَعْدُ ونُصَوِّمُ صِبْيانَنا ونَجْعَلُ لَهُمُ اللُّعْبَةَ مِنَ العِهْنِ. فإذَا بَكَى أَحَدُهُمْ عَلى الطَّعامِ أَعْطَيْناهُ ذلكَ حتَّى يَكُونَ عِنْدَ الإفْطارِ.

(48) CHAPTER. *Al-Wiṣāl* [i.e., to observe *Ṣaum* (fast) continuously without eating or drinking anything by day or night, may be for a day or two or more].

(٤٨) بابُ الوِصالِ،

And whoever says that there is no *Ṣaum* (fast) at night according to the Statement of Allāh عَزَّ وجَلَّ "Then complete your fast till the nightfall..." (V.2:187). And the Prophet ﷺ forbade it (i.e., *Al-Wiṣāl*) with mercy to them (Muslims) and to keep them healthy. And what is hated as regards excessive practices of worshipping.

ومَنْ قالَ: لَيس في اللَّيْلِ صِيامٌ لِقَوْلِهِ عَزَّ وجَلَّ: ﴿ثُمَّ أَتِمُّوا الصِّيَامَ إِلَى اللَّيْلِ﴾ [البقرة: ١٨٧]. وَنَهَى النَّبِيُّ ﷺ عَنْهُ رَحْمَةً لَهُمْ وَإِبْقاءً عَلَيْهِمْ وَمَا يُكْرَهُ مِنَ التَّعَمُّقِ.

1961. Narrated Anas رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "Do not practise *Al-Wiṣāl* [fasting continuously without breaking one's *Ṣaum* (fast) in the evening or eating before the following dawn]." The people said to the Prophet ﷺ, "But you practise *Al-Wiṣāl*?" The Prophet ﷺ replied, "I am not like any of you, for I am given food and drink (by Allāh) during the night."

١٩٦١ - حَدَّثَنَا مُسَدَّدٌ قالَ: حدَّثَني يَحْيَى، عَنْ شُعْبَةَ قالَ: حدَّثَني قَتادَةُ عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «لا تُواصِلُوا». قالُوا: إنَّكَ تُواصِلُ. قالَ: «لَسْتُ كأَحَدٍ مِنْكُمْ، إنِّي أُطْعَمُ وأُسْقَى، أَوْ إنِّي أَبِيتُ أُطْعَمُ وأُسْقَى». [انظر: ٧٢٤١]

1962. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ forbade *Al-Wiṣāl*. The people said (to him), "But you practise it?" He said, "I am not like you, for I am given food and drink (by Allāh)."

١٩٦٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالكٌ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: نَهَى رَسُولُ اللهِ ﷺ عَنِ الوِصالِ، قالُوا: إِنَّكَ تُواصِلُ: قالَ: «إِنِّي لَسْتُ مِثْلَكُمْ، إِنِّي أُطْعَمُ وأُسْقَى». [راجع: ١٩٢٢]

1963. Narrated Abū Sa'īd رَضِيَ اللهُ عَنْهُ that he had heard the Prophet ﷺ saying, "Do not *Ṣaum* (fast) continuously (i.e., do not practise *Al-Wiṣāl*), and if you intend to lengthen your *Ṣaum* (fasting period), then carry it on only till the *Saḥar* (before the following dawn)." The people said to him, "But you practise (*Al-Wiṣāl*), O Allāh's Messenger!" He replied, "I am not similar to you, for during night I have One Who makes me eat and drink."

١٩٦٣ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ: حدَّثَنا ابنُ الهَادِ، عَنْ عَبْدِ اللهِ ابنِ خَبابٍ، عَنْ أَبي سَعيدٍ رَضِيَ اللهُ عَنْهُ: أَنَّهُ سَمِعَ النَّبِيَّ ﷺ يَقُولُ: «لا تُوَاصِلُوا فأَيُّكُمْ أَرَادَ أَنْ يُواصِلَ فَلْيُواصِلْ حتَّى السَّحَرِ». قالُوا: فإِنَّكَ تُواصِلُ يا رَسُولَ اللهِ؟! قالَ: «إِنِّي لَسْتُ كَهَيْئَتِكُمْ. إِنِّي أَبِيتُ لي مُطْعِمٌ يُطْعِمُنِي، وساقٍ يَسْقِينِ». [انظر: ١٩٦٧]

1964. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ forbade *Al-Wiṣāl* with mercy to them. They said to him, "But you practise *Al-Wiṣāl*?" He said, "I am not similar to you, for my Lord gives me food and drink."

Abdullāh said that Uthman did not mention: "Mercy to them (towards the companions."

١٩٦٤ - حَدَّثَنَا عُثمانُ بنُ أَبي شَيْبَةَ ومُحَمَّدٌ قالا: أَخْبَرَنا عَبْدَةُ، عَنْ هِشامِ ابنِ عُرْوَةَ، عَنْ أَبيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: نَهَى رَسُولُ اللهِ ﷺ عَنِ الوِصالِ رَحْمَةً لَهُمْ، فَقالُوا: إِنَّكَ تُواصِلُ، قالَ: «إِنِّي لَسْتُ كَهَيْئَتِكُمْ، إِنِّي يُطْعِمُنِي رَبِّي ويَسْقِينِ». قالَ أَبُو عبدِ اللهِ لَمْ يَذْكُرْ عُثمانُ: رَحْمَةً لَهُمْ.

(49) CHAPTER. The punishment for the person who practises *Al-Wiṣāl* very often.

(٤٩) بابُ التَّنْكِيلِ لِمَنْ أَكْثَرَ الوِصالَ

This is narrated by Anas on the authority of the Prophet ﷺ.

رَوَاهُ أَنَسٌ عَنِ النَّبِيِّ ﷺ.

1965. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ forbade *Al-Wiṣāl* in observing *As-Ṣaum* (the fasts). So, one of the Muslims said to him, "But you practise *Al-Wiṣāl*, O Allāh's Messenger!" The Prophet ﷺ replied, "Who amongst you is similar to me? I am given food and drink during night by my Lord." So, when the people refused to stop *Al-Wiṣāl* (fasting continuously), the Prophet ﷺ observed *Ṣaum* (the fast) day and night continuously along with them for a day and then another day and then they saw the crescent-moon (of the month of Shawwāl). The Prophet ﷺ said to them (angrily), "If it (the crescent) had not appeared, I would have made you observe *Ṣaum* for a longer period." That was as a punishment for them when they refused to stop (practising *Al-Wiṣāl*).

[See *Fatḥ Al-Bārī*]

١٩٦٥ - حَدَّثَنَا أَبُو اليمانِ: أَخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أَخْبَرَنِي أَبُو سَلَمَةَ ابنُ عَبْدِ الرَّحْمٰنِ: أَنَّ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى رَسُولُ اللهِ ﷺ عَنِ الوِصَالِ فِي الصَّوْمِ. فَقالَ لَهُ رَجُلٌ مِنَ المُسْلِمِينَ: إِنَّكَ تُوَاصِلُ يا رَسُولَ اللهِ، قالَ: «وأَيُّكُم مِثْلِي؟ إِنِّي أَبِيتُ يُطْعِمُنِي رَبِّي وَيَسْقِينِ». فَلَمَّا أَبَوْا أَنْ يَنْتَهُوا عَنِ الوِصَالِ وَاصَلَ بِهِمْ يَوْماً ثُمَّ يَوْماً ثُمَّ رَأَوُا الهِلالَ. فَقالَ: «لَوْ تَأَخَّرَ لِزِدْتُكُمْ»، كالتَّنْكِيلِ لَهُمْ حِينَ أَبَوْا أَنْ يَنْتَهُوا. [انظر: ١٩٦٦، ٦٨٥١، ٧٢٤٢، ٧٢٩٩]

1966. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said twice, "(O you people) Be cautious! Do not practise *Al-Wiṣāl*." The people said to him, "But you practise *Al-Wiṣāl*?" The Prophet ﷺ replied, "My Lord gives me food and drink during night. Do that much of deeds which are within your ability."

١٩٦٦ - حَدَّثَنَا يَحْيَى: حدَّثنا عَبْدُ الرَّزَّاقِ، عَنْ مَعْمَرٍ، عَنْ هَمَّامٍ: أَنَّهُ سَمِعَ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «إِيَّاكُمْ والوِصَالَ»، مَرَّتَيْنِ. قِيلَ: إِنَّكَ تُوَاصِلُ، قالَ: «إِنِّي أَبِيتُ يُطْعِمُنِي رَبِّي وَيَسْقِينِ، فاكْلَفُوا مِنَ العَمَلِ ما تُطِيقُونَ». [راجع: ١٩٦٥]

(50) CHAPTER. To observe *Ṣaum* (fast) continuously day and night (*Al-Wiṣāl*) till the time of *Sahar* (last part of night).

(٥٠) بابُ الوِصَالِ إِلى السَّحَرِ

1967. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Do not observe *Ṣaum* (fast) continuously day and

١٩٦٧ - حَدَّثَنَا إِبْرَاهِيمُ بنُ حَمْزَةَ: حدَّثَنِي ابنُ أَبِي حازِمٍ، عَنْ

night (i.e., do not practise *Al-Wiṣāl*) and if anyone of you intends to *Ṣaum* (fast) continuously day and night, he should continue till the *Sahar* (before the following dawn)." They said, "But you practise *Al-Wiṣāl*, O Allāh's Messenger!" The Prophet ﷺ said, "I am not similar to you; during night I have One Who makes me eat and drink."

يَزِيدَ، عَنْ عَبْدِ اللهِ ابنِ خَبَّابٍ، عَنْ أَبِي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ: أَنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ يَقُولُ: «لا تُوَاصِلُوا، فَأَيُّكُمْ أَرَادَ أَنْ يُوَاصِلَ فَلْيُوَاصِلْ حتَّى السَّحَرِ». قالُوا: فإِنَّكَ تُوَاصِلُ يا رَسُولَ اللهِ، قالَ: «لَسْتُ كَهَيْئَتِكُمْ، إِنِّي أَبِيتُ لي مُطْعِمٌ يُطْعِمُني وساقٍ يَسْقِينِ». [راجع: ١٩٦٣]

(51) CHAPTER. If someone forces his Muslim brother to break his *(Nawāfil)* fast, by giving him an oath, the person observing *Ṣaum* (fast) has not to observe *Ṣaum* (fast) in lieu of it if the giving up of the *Ṣaum* was better for him.

(٥١) بابٌ مَنْ أَقْسَمَ عَلى أَخِيهِ لِيُفطِرَ في التَّطَوُّعِ، ولَمْ يَرَ عَلَيْهِ قَضاءً إِذا كانَ أَوْفَقَ لَهُ

1968. Narrated Abū Juḥaifa: The Prophet ﷺ made a bond of brotherhood between Salmān and Abū Ad-Dardā.' Salmān paid a visit to Abū Ad-Dardā' and found Umm Ad-Dardā' dressed in shabby clothes and asked her why she was in that state. She replied, "Your brother Abū Ad-Dardā' is not interested in (the luxuries of) this world." In the meantime Abū Ad-Dardā' came and prepared a meal for Salmān. Salmān requested Abū Ad-Dardā' to eat (with him), but Abū Ad-Dardā said, "I am observing *Ṣaum* (fast)." Salmān said, "I am not going to eat unless you eat." So, Abū Ad-Dardā' ate (with Salmān). When it was night and (a part of the night passed), Abū Ad-Dardā' got up (to offer the night prayer), but Salmān told him to sleep and Abū Ad-Dardā' slept. After sometime Abū Ad-Dardā' again got up but Salmān told him to sleep. When it was the last hours of the night, Salmān told him to get up then, and both of them offered the *Ṣalāt* (prayer). Salmān told Abū Ad-Dardā', "Your Lord has a right on you, your

١٩٦٨ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا جَعْفَرُ بنُ عَوْنٍ: حدَّثَنا أَبُو العُمَيْسِ، عَنْ عَوْنِ بنِ أبي جُحَيْفَةَ، عَنْ أَبِيهِ قالَ: آخَى النَّبِيُّ ﷺ بَيْنَ سَلْمانَ وأَبِي الدَّرْداءِ. فَزارَ سَلْمانُ أَبا الدَّرْداءِ، فَرَأَى أُمَّ الدَّرْداءِ مُتَبَذِّلَةً، فَقالَ لها: ما شَأْنُكِ؟ قالَتْ: أَخُوكَ أَبُو الدَّرْداءِ لَيْسَ لَهُ حاجَةٌ في الدُّنْيا. فَجاءَ أَبُو الدَّرْداءِ فَصَنَعَ لَهُ طَعاماً فَقالَ لَهُ: كُلْ، قالَ: فإِنِّي صائِمٌ، قالَ: ما أَنا بآكِلٍ حتَّى تَأْكُلَ. قالَ: فَأَكَلَ، فَلَمَّا كانَ اللَّيْلُ ذَهَبَ أَبُو الدَّرْداءِ يَقُومُ، قالَ: نَمْ. فَنامَ ثُمَّ ذَهَبَ يَقُومُ فَقالَ: نَمْ. فَلَمَّا كانَ مِنْ آخِرِ اللَّيْلِ قالَ سَلْمانُ: قُمِ الآنَ، فَصَلَّيا. فَقالَ لَهُ سَلْمانُ: إِنَّ لِرَبِّكَ

ownself has a right on you, and your family has a right on you; so you should give the rights of all those who has a right on you." Abū Ad-Dardā' came to the Prophet ﷺ and narrated the whole story. The Prophet ﷺ said, "Salmān has spoken the truth."

عَلَيْكَ حَقّاً، ولِنَفْسِكَ عَلَيْكَ حَقّاً، ولأَهْلِكَ عَلَيْكَ حَقّاً. فأَعْطِ كُلَّ ذِي حَقٍّ حَقَّهُ، فأتى النَّبيَّ ﷺ فَذَكَرَ ذٰلكَ لَهُ، فَقالَ لَهُ النَّبيُّ ﷺ: «صَدَقَ سَلْمانُ». [انظر: ٦١٣٩]

(52) CHAPTER. *Ṣaum* (fasting) in the month of Sha'bān.

(٥٢) بابُ صَوْمِ شَعْبانَ

1969. Narrated 'Āishah رَضِي الله عَنْها: Allāh's Messenger ﷺ used to observe *Ṣaum* (fast) till one would say that he would never stop observing *Ṣaum* (fast), and he would abandon *Ṣaum* (fast) till one would say that he would never observe *Ṣaum* (fast). I never saw Allāh's Messenger ﷺ observing *Ṣaum* (fast) for a whole month except the month of Ramaḍān, and did not see him fasting in any month more than in the month of Sha'bān.

١٩٦٩ - **حَدَّثَنا** عَبْدُ اللهِ بنُ يُوسُفَ: أخْبرَنا مالكٌ، عَنْ أبي النَّضْرِ، عَنْ أَبي سَلَمَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ رَسُولُ اللهِ ﷺ يَصُومُ حتَّى نَقُولَ: لا يُفْطِرُ، ويُفْطِرُ حتَّى نَقُولَ: لا يَصُومُ. وَما رَأَيْتُ النَّبيَّ ﷺ اسْتَكْمَلَ صِيامَ شَهْرٍ إلَّا رَمَضانَ وما رَأَيْتُهُ أكْثَرَ صِياماً مِنْهُ في شَعْبانَ. [انظر: ١٩٧٠، ٦٤٦٥]

1970. Narrated 'Āishah رَضِي الله عَنْها: The Prophet ﷺ never observed *Ṣaum* (fast) in any month more than in the month of Sha'bān. He used to say, "Do those deeds which you can do easily, as Allāh will not get tired (of giving rewards) till you get bored and tired (of performing religious deeds)." The most beloved *Ṣalāt* (prayer) to the Prophet ﷺ was the one that was done regularly (throughout the life) even if it were little. And whenever the Prophet ﷺ offered a *Ṣalāt* (prayer) he used to offer it regularly.

١٩٧٠ - **حَدَّثَنا** مُعاذُ بنُ فَضالَةَ: حدَّثَنا هِشامٌ، عَنْ يَحْيَى، عَنْ أَبي سَلَمَةَ: أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها حدَّثَتْهُ قالَتْ: لَمْ يَكُنِ النَّبيُّ ﷺ يَصُومُ شَهْراً أكْثَرَ مِنْ شَعْبانَ، وكانَ يَقُولُ: «خُذُوا مِنَ العَمَلِ ما تُطِيقُونَ، فإنَّ اللهَ لا يَمَلُّ حتَّى تَمَلُّوا». وأَحَبُّ الصَّلاةِ إلى النَّبيِّ ﷺ ما دُووِمَ عَلَيْهِ وَإنْ قَلَّتْ. وكانَ إذا صَلى صَلاةً داوَمَ عَلَيْها. [راجع: ١٩٦٩]

(53) CHAPTER. What is said about the fasting and non-fasting (periods) of the Prophet ﷺ.

(٥٣) بابُ ما يُذْكَرُ مِنْ صَوْمِ النَّبيِّ ﷺ وَإفْطارِه

1971. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ never observed *Ṣaum* (fast) a full month except the month of Ramaḍān, and he used to observe *Ṣaum* (fast) till one could say, "By Allāh, he will never stop observing *Ṣaum* (fast)," and he would abandon observing *Ṣaum* (fast) till one would say, "By Allāh, he will never observe *Ṣaum* (fast)."

١٩٧١ - حَدَّثَنَا مُوسَى بنُ إسماعِيلَ: حدَّثنا أَبُو عَوَانَةَ، عَنْ أَبي بِشْرٍ، عَنْ سَعِيدِ ابنِ جُبَيرٍ، عَنِ ابنِ عَبَّاسٍ قالَ: ما صَامَ النَّبِيُّ ﷺ شَهْراً كامِلاً قَطُّ غَيرَ رَمَضَانَ. ويَصُومُ حتَّى يَقُولَ القائِلُ: لا واللهِ لا يُفْطِرُ، ويُفْطِرُ حتَّى يَقُولَ القائِلُ: لا واللهِ لا يَصُومُ.

1972. Narrated Anas رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ used to leave observing *Ṣaum* (fast) in a certain month till we thought that he would not observe *Ṣaum* (fast) in that month, and he used to fast in another month till we thought he would not stop observing *Ṣaum* (fast) at all in that month. And if one wanted to see him offering *Ṣalāt* (prayer) at night, one could see him (in that condition), and if one wanted to see him sleeping at night, one could see him (in that condition) too.

١٩٧٢ - حدَّثَني عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ قالَ: حدَّثَني مُحَمَّدُ بنُ جَعْفَرٍ، عَنْ حُمَيْدٍ: أَنَّهُ سَمِعَ أَنَساً رَضِيَ اللهُ عَنْهُ يَقُولُ: كانَ رَسُولُ اللهِ ﷺ يُفْطِرُ مِنَ الشَّهْرِ حتَّى نَظُنَّ أَنْ لا يَصُومَ مِنْهُ، ويَصُومُ حتَّى نَظُنَّ أَنْ لا يُفْطِرَ مِنْهُ شَيْئاً. وكانَ لا تَشاءُ تَرَاهُ مِنَ اللَّيْلِ مُصَلِّياً إلَّا رَأَيْتَهُ، ولا نائماً إلَّا رَأَيْتَهُ. وقال سُلَيمانُ، عَنْ حُمَيْدٍ: أَنَّهُ سَأَلَ أَنَساً في الصَّوْمِ.

[راجع: ١١٤١]

1973. Narrated Ḥumaid: I asked Anas رَضِيَ اللهُ عَنْهُ about the *Ṣaum* (fasting) of the Prophet ﷺ. He said, "Whenever I liked to see the Prophet ﷺ observing *Ṣaum* (fast) in any month, I could see that, and whenever I liked to see him not observing *Ṣaum* (fast), I could see that too, and if I liked to see him offering *Ṣalāt* (prayer) in any night, I could see that, and if I liked to see him sleeping, I could see that, too." Anas further said, "I never touched silk or velvet softer than the hand of Allāh's Messenger ﷺ, and never smelled musk or perfume more pleasant than the smell of Allāh's Messenger ﷺ."

١٩٧٣ - حدَّثَني مُحَمَّدٌ: أَخبرَنا أَبُو خالِدٍ الأَحْمَرُ: أَخبرَنا حُمَيْدٌ قالَ: سَأَلْتُ أَنَساً رَضِيَ اللهُ عَنْهُ عَنْ صِيامِ النَّبِيِّ ﷺ فَقالَ: ما كُنْتُ أُحِبُّ أَنْ أَرَاهُ مِنَ الشَّهْرِ صَائماً إلَّا رَأَيْتُهُ، ولا مُفْطِراً إلَّا رَأَيْتُهُ. ولا مِنَ اللَّيْلِ قائماً إلَّا رَأَيْتُهُ، ولا نَائِماً إلَّا رَأَيْتُهُ. ولا مَسِسْتُ خَزَّةً وَلا حَرِيرَةً أَلْيَنَ مِنْ كَفِّ رَسُولِ اللهِ ﷺ، ولا شَمِمْتُ

مِسْكَةً ولا عَبِيرَةً أَطْيَبَ رَائحَةً مِنْ رَائحَةِ رَسُولِ اللهِ ﷺ. [راجع: ١١٤١]

(54) CHAPTER. The right of the guest in fasting.

(٥٤) بابٌ حَقِّ الضَّيْفِ في الصَّوْمِ

1974. Narrated 'Abdullāh bin 'Amr bin Al-'Āṣ رَضِيَ اللهُ عَنْهُما "Once Allāh's Messenger ﷺ came to me," and then he narrated the whole narration, i.e., your guest has a right on you, and your wife has a right on you. I then asked about the *Saum* (fasting) of Dāwūd (David) عليه السلام. The Prophet ﷺ replied, "Half of the year," [i.e., he used to observe *Saum* (fast) on every alternate day].

١٩٧٤ - حَدَّثَنَا إسحَاقُ: أَخبرَنا هارُونُ بنُ إسمَاعِيلَ: حدَّثَنا عليٌّ: حدَّثَنا يَحْيَى قالَ: حدَّثَنِي أَبُو سَلَمَةَ قالَ: حدَّثَنِي عَبْدُ اللهِ بنُ عَمْرِو بنِ العَاصي رَضِيَ اللهُ عَنْهُما قالَ: دَخَلَ عَليَّ رَسُولُ اللهِ ﷺ، فَذَكَرَ الحَدِيثَ. يَعْنِي: «إنَّ لِزَوْرِكَ عَلَيْكَ حَقّاً، وإنَّ لِزَوْجِكَ عَلَيْكَ حَقّاً». فَقُلْتُ: وما صَوْمُ دَاوُدَ؟ قالَ: «نِصْفُ الدَّهْرِ». [راجع: ١١٣١]

(55) CHAPTER. The right of the body in observing *As-Saum* (the fast).

(٥٥) بابٌ حَقِّ الجِسْمِ في الصَّوْمِ

1975. Narrated 'Abdullāh bin 'Amr bin Al-'Āṣ رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said to me, "O 'Abdullāh! Have I not been informed that you observe *Saum* (fast) during the day and offer *Salāt* (prayer) all the night." 'Abdullāh replied, "Yes, O Allāh's Messenger!" The Prophet ﷺ said, "Don't do that; observe *Saum* (fast) for few days and then give it up for few days, offer *Salāt* (prayer) and also sleep at night, as your body has a right on you, and your wife has a right on you, and your guest has a right on you. And it is sufficient for you to observe *Saum* (fast) three days in a month, as the reward of a good deed is multiplied ten times, so it will be like fasting throughout the year." I insisted (on fasting) and so I was given a hard instruction. I said, "O Allāh's

١٩٧٥ - حَدَّثَنَا ابنُ مُقاتِلٍ: أَخْبرَنا عَبْدُ اللهِ: أَخبرَنا الأَوْزاعِيُّ قالَ: حدَّثَنِي يَحْيَى ابنُ أَبي كَثِيرٍ، قالَ: حدَّثَنِي أَبو سَلَمَةَ بنُ عَبْدِ الرَّحْمٰنِ، قالَ: حدَّثَني عَبدُ اللهِ بنُ عَمْرِو بنِ العَاصِي رَضِيَ اللهُ عَنْهُما، قالَ لِي رَسُولُ اللهِ ﷺ: «يا عَبْدَ اللهِ، أَلَمْ أُخْبَرْ أَنَّكَ تَصُومُ النَّهارَ وتَقُومُ اللَّيْلَ؟» فَقُلْتُ: بَلى يا رَسُولَ اللهِ، قالَ: فَلا تَفْعَلْ، صُمْ وأَفْطِرْ، وَقُمْ وَنَمْ، فإنَّ لجَسَدِكَ عَلَيْكَ حَقّاً، وإنَّ لِعَيْنَيْكَ عَلَيْكَ حَقّاً، وإنَّ لِزَوْجِكَ

Messenger! I have strength." The Prophet ﷺ said, "Observe *Ṣaum* (fast) like the fasting of the Prophet Dāwūd (David) عليه السلام and do not observe fast more than that." I asked "How was the fasting of the Prophet of Allāh, David عليه السلام?" He said, "Half of the year," (i.e., he used to observe fast on every alternate day).

Afterwards when 'Abdullāh became old, he used to say, "It would have been better for me if I had accepted the permission of the Prophet ﷺ [hich he gave me i.e., to observe *Ṣaum* (fast) only three days a month]."

عَلَيْكَ حَقّاً، وإِنَّ لِزَوْرِكَ عَلَيْكَ حَقّاً. وإِنَّ بِحَسْبِكَ أَنْ تَصُومَ مِنْ كُلِّ شَهْرٍ ثَلاثَةَ أيَّام فإِنَّ لَكَ بِكُلِّ حَسَنَةٍ عَشْرَ أَمْثالِهَا، فَإِذَنْ ذلكَ صِيامُ الدَّهْرِ كُلِّهِ»، فَشَدَّدْتُ فَشُدِّدَ عَلَيَّ. قُلْتُ: يا رَسُولَ اللهِ، إِنِّي أجِدُ قُوَّةً. قالَ: «فَصُمْ صِيامَ نَبِيِّ اللهِ دَاوُدَ عَلَيْهِ السَّلامُ، وَلا تَزِدْ عَلَيْهِ». قُلْتُ: وما كانَ صِيامُ نَبِيِّ اللهِ دَاوُدَ عَلَيْهِ السَّلامُ؟ قالَ: «نِصْفَ الدَّهْرِ». وَكانَ عَبْدُ اللهِ يَقُولُ بَعْدَ ما كَبِرَ: يا لَيْتَنِي قَبِلْتُ رُخْصَةَ النَّبِيِّ ﷺ. [راجع: ١١٣١]

(56) CHAPTER. Observing *Ṣaum* (fasting) daily throughout the life.

(٥٦) بابُ صَوْمِ الدَّهْرِ

1976. Narrated 'Abdullāh bin 'Amr رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ was informed that I had taken an oath to fast daily and to offer *Ṣalāt* (prayers) (every night) all the night throughout my life. (So Allāh's Messenger ﷺ came to me and asked whether it was correct). I replied, "Let my parents be sacrificed for you! I said so." The Prophet ﷺ said, "You will not be able to do that. So, fast for few days and give it up for few days, offer *Ṣalāt* (prayer) and sleep. Observe *Ṣaum* (fast) three days a month as the reward of good deeds is multiplied ten times and that will be equal to one year of fasting." The Prophet ﷺ said to me, "Observe *Ṣaum* (fast) one day and give up fasting for two days." I replied, "I can do better than that." The Prophet ﷺ said: "Then observe *Ṣaum* (fast) a day and give it up for a day and that is the *Ṣaum* (fast) of Prophet Dāwūd (David) عليه السلام, and that is

١٩٧٦ - **حَدَّثَنَا** أَبُو اليمانِ: أَخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أَخْبَرَنِي سَعِيدُ ابنُ المُسَيَّبِ وأبُو سَلَمَةَ بنُ عَبْدِ الرَّحْمٰنِ: أَنَّ عَبْدَ اللهِ بنَ عَمْرٍو قالَ: أُخْبِرَ رَسُولُ اللهِ ﷺ أَنِّي أَقُولُ: وَاللهِ لأَصُومَنَّ النَّهارَ ولأَقُومَنَّ اللَّيْلَ مَا عِشْتُ. فَقُلْتُ لَهُ: قَدْ قُلْتُهُ بِأَبِي أَنْتَ وأُمِّي. قالَ: «فإِنَّكَ لا تَسْتَطِيعُ ذلكَ فَصُمْ وأَفْطِرْ، وقُمْ ونَمْ، وصُمْ مِنَ الشَّهْرِ ثَلاثَةَ أَيَّامٍ فإِنَّ الحَسَنَةَ بِعَشْرِ أَمْثالِهَا، وذلكَ مِثْلُ صِيامِ الدَّهْرِ». قُلْتُ: إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذلكَ. قالَ: «فَصُمْ يَوْماً وأَفْطِرْ يَوْمَينِ». قُلْتُ: إِنِّي أُطِيقُ

أَفْضَلَ مِنْ ذٰلِكَ، قالَ: «فَصُمْ يَوْماً وأَفْطِرْ يَوْماً، فَذٰلِكَ صِيامُ دَاوُدَ عَلَيْهِ السَّلامُ وهُوَ أَفْضَلُ الصِّيامِ». فَقُلْتُ: إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذلكَ، فَقالَ النَّبِيُّ ﷺ: «لا أَفْضَلَ مِنْ ذٰلِكَ». [راجع: ١١٣١]

the best *Ṣaum* (fast).” I said, “I have the strength to do better (more) than that.” The Prophet ﷺ said, “There is no better (fasting) than that.”

(٥٧) بابُ حَقِّ الأَهْلِ فِي الصَّوْمِ،

رَوَاهُ أَبُو جُحَيْفَةَ عَنِ النَّبِيِّ ﷺ.

(57) CHAPTER. The right of the family (wife) in observing *As-Ṣaum* (the fast).

This is narrated by Abū Juḥaifa from the Prophet ﷺ.

١٩٧٧ - حَدَّثَنا عَمْرُو بنُ عَلِيٍّ: أَخْبَرَنا أَبُو عاصِمٍ، عَنِ ابنِ جُرَيْجٍ، سَمِعْتُ عَطاءً أَنَّ أَبا العَبَّاسِ الشَّاعِرَ أَخْبَرَهُ: أَنَّهُ سَمِعَ عَبْدَ اللهِ بنَ عَمْرٍو رَضِيَ اللهُ عَنْهُما يَقُولُ: بَلَغَ النَّبِيَّ ﷺ أَنِّي أَسْرُدُ الصَّوْمَ، وأُصَلِّي اللَّيْلَ. فإِمَّا أَرْسَلَ إِلَيَّ وإِمَّا لَقِيتُهُ فَقالَ: «أَلَمْ أُخْبَرْ أَنَّكَ تَصُومُ ولا تُفْطِرُ وتُصَلِّي؟ فَصُمْ وأَفْطِرْ وقُمْ ونَمْ. فإِنَّ لِعَيْنَيْكَ عَلَيْكَ حَظّاً، وإِنَّ لِنَفْسِكَ وأَهْلِكَ عَلَيْكَ حَظّاً». قالَ: إِنِّي لأَقْوَى لِذٰلِكَ، قالَ: «فَصُمْ صِيامَ دَاوُدَ عَلَيْهِ السَّلامُ». قالَ: وكَيْفَ؟ قالَ: «كانَ يَصُومُ يَوْماً ويُفْطِرُ يَوْماً، ولا يَفِرُّ إِذَا لاقَى». قالَ: مَنْ لِي بِهٰذِهِ يا نَبِيَّ اللهِ؟ قالَ عَطاءٌ: لا أَدْرِي كَيْفَ ذَكَرَ صِيامَ الأَبَدِ؟ قالَ النَّبِيُّ ﷺ: «لا صَامَ مَنْ صَامَ الأَبَدَ» مَرَّتَيْنِ. [راجع: ١١٣١]

1977. Narrated ‘Abdullāh bin ‘Amr رَضِيَ اللهُ عَنْهُما: The news of my observing *Ṣaum* (fasting) daily and offering *Ṣalāt* (prayer) every night throughout the night reached the Prophet ﷺ. So he sent for me, or I met him, and he ﷺ said, “I have been informed that you observe *Ṣaum* (fast) every day and offer *Ṣalāt* (prayer) every night (all the night). Observe *Ṣaum* (fast) (for some days) and give it up (for some days), offer *Ṣalāt* (prayer) and sleep for your eyes have a right on you, and your body and your family (your wife) have a right on you.” I replied, “I have more strength than that (for fasting).” The Prophet ﷺ said, “Then observe *Ṣaum* (fast) like the *Ṣaum* (fast) of (the Prophet) Dāwūd (David) عليه السلام.” I said, “How?” He replied, “He used to observe *Ṣaum* (fast) on alternate days, and he used not to flee on meeting the enemy.” I said, “From where can I get that chance, O Allāh’s Prophet?” [‘Aṭā said, “I do not know how the expression of ‘observe *Ṣaum* (fast) daily throughout the life’ occured.”] So, the Prophet ﷺ said, twice, “Whoever observe *Ṣaum* (fast) daily throughout his life is just as the one who does not observe *Ṣaum* (fast) at all.”

(58) CHAPTER. ***Ṣaum*** **(fasting) on alternate days.**

(٥٨) **بابُ** صَوْمِ يَوْمٍ وإِفْطارِ يَوْمٍ

1978. Narrated Mujāhid from 'Abdullāh bin 'Amr رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said (to 'Abdullāh), "Observe *Ṣaum* (fast) three days a month." 'Abdullāh said, (to the Prophet ﷺ), "I am able to observe *Ṣaum* (fast) more than that." They kept on arguing on this matter till the Prophet ﷺ said, "Observe *Ṣaum* (fast) on alternate days, and recite the whole Qur'ān once a month." 'Abdullāh said, "I can recite more (in a month)," and the argument went on till the Prophet ﷺ said, "Recite the whole Qur'ān once in three days." (i.e., you must not recite the whole Qur'ān in less than three days).

١٩٧٨ - **حَدَّثَنا** مُحَمَّدُ بنُ بَشَّارٍ: حدَّثنا غُنْدَرٌ: حدَّثَنا شُعْبَةُ، عَنْ مُغِيرَةَ قالَ: سَمِعْتُ مُجَاهِداً، عَنْ عَبْدِ اللهِ بنِ عَمْرٍو رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ قالَ: «صُمْ مِنَ الشَّهْرِ ثَلاثَةَ أَيَّامٍ». قالَ: أُطِيقُ أَكْثَرَ مِنْ ذلكَ، فَمَا زَالَ حتَّى قالَ: «صُمْ يَوْماً وأَفْطِرْ يَوْماً»، فَقالَ: «اقْرَأِ القُرْآنَ في كُلِّ شَهْرٍ»، قالَ: إِنِّي أُطِيقُ أَكْثَرَ، فَمَا زَالَ حتَّى قالَ: «في ثَلاثٍ».

[راجع: ١١٣١]

(59) CHAPTER. The ***Ṣaum*** **(fasting) of Dāwūd (David)** عليه السلام.

(٥٩) **بابُ** صَوْمِ دَاوُدَ عَلَيْهِ السَّلامُ

1979. Narrated 'Abdullāh bin 'Amr bin Al-'Āṣ رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said to me, "You observe *Ṣaum* (fast) daily all the year and offer *Ṣalāt* (prayer) (every night) all the night?" I replied in the affirmative. The Prophet ﷺ said, "If you keep on doing this, your eyes will become weak and your body will get tired. He who observes *Ṣaum* (fast) all the year is as he who did not observe *Ṣaum* (fast) at all. Observing *Ṣaum* (fast) of three days (a month) will be equal to observing *Ṣaum* (fast) of the whole year." I replied, "I have the strength for more than this." The Prophet ﷺ said, "Then observe *Ṣaum* (fast) like the fasting of Dāwūd (David) عليه السلام who used to observe *Ṣaum* (fast) on alternate days and would never flee from the battle field on meeting the enemy."

١٩٧٩ - **حَدَّثَنا** آدمُ: حدَّثنا شُعْبَةُ: حدَّثَنا حَبِيبُ بنُ أَبي ثابِتٍ قالَ: سَمِعْتُ أبا العَبَّاسِ المَكِّيَّ، وكانَ شاعِراً، وكانَ لا يُتَّهَمُ في حدِيثِهِ، قالَ: سَمِعْتُ عَبْدَ اللهِ بنَ عَمْرِو بنِ العَاصِي رَضِيَ اللهُ عَنْهُما قالَ: قالَ لي النَّبِيُّ ﷺ: «إِنَّكَ لَتَصُومُ الدَّهْرَ، وتَقُومُ اللَّيْلَ؟» فَقُلْتُ: نَعَمْ. قالَ: «إِنَّكَ إِذَا فَعَلْتَ ذلكَ هَجَمَتْ لهُ العَينُ، ونَفِهَتْ لهُ النَّفْسُ. لا صَامَ مَنْ صَامَ الدَّهرَ، صَوْمُ ثَلاثَةِ أَيَّامٍ صَوْمُ الدَّهْرِ كُلِّهِ»، قُلْتُ: فإِنِّي أُطِيقُ أَكْثَرَ مِنْ ذلكَ. قالَ: «فَصُمْ

صَوْمَ دَاوُدَ عَلَيْهِ السَّلامُ، كانَ يَصُومُ يَوْماً ويُفْطِرُ يَوْماً، ولا يَفِرُّ إذَا لاقى». [راجع: ١١٣١]

١٩٨٠ - حَدَّثَنا إسحاقُ بنُ شاهينَ الوَاسِطِيُّ: حدَّثَنا خالِدُ بنُ عَبْدِ اللهِ، عَنْ خالِدٍ الحَذّاءِ، عَنْ أَبي قِلابَةَ قالَ: أَخْبرَني أَبو المَليحِ قالَ: دَخَلْتُ مَعَ أَبيكَ عَلى عَبْدِ اللهِ ابنِ عَمْرٍو، فَحدَّثَنا أَنَّ رَسُولَ اللهِ ﷺ ذُكِرَ لَهُ صَوْمي، فَدَخَلَ عَلَيَّ فأَلْقَيْتُ لَهُ وِسادَةً مِنْ أَدَمٍ حَشْوُها لِيفٌ فَجَلَسَ عَلى الأَرْضِ، وصارَتِ الوِسادَةُ بَيْني وبَيْنَهُ. فَقالَ: «أَما يَكْفيكَ مِنْ كُلِّ شَهْرٍ ثَلاثَةُ أَيّامٍ؟» قالَ: قُلْتُ: يا رَسُولَ اللهِ، قالَ: «خَمْساً». قُلْتُ: يا رَسُولَ اللهِ، قالَ: «سَبْعاً»، قُلْتُ: يا رَسُولَ اللهِ، قالَ: «تِسْعاً»، قُلْتُ: يا رَسُولَ اللهِ، قالَ: «إِحْدَى عَشْرَةَ». ثُمَّ قالَ النَّبيُّ ﷺ: «لا صَوْمَ فَوْقَ صَوْمِ دَاوُدَ عَلَيْهِ السَّلامُ، شَطْرُ الدَّهْرِ صُمْ يَوْماً وأَفْطِرْ يَوْماً». [راجع: ١١٣١]

1980. Narrated 'Abdullāh bin 'Amr رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ was informed about my *Ṣaum* (fasts), and he came to me and I spread for him a leather cushion stuffed with palm fibre, but he sat on the ground and the cushion remained between me and him, and then he said, "Isn't it sufficient for you to observe *Ṣaum* (fast) three days a month?" I replied, "O Allāh's Messenger! [I can observe *Ṣaum* (fast) more]." He said, "Five?" I replied, "O Allāh's Messenger! [I can observe *Ṣaum* (fast) more]." He said, "Seven?" I replied, "O Allāh's Messenger! [I can observe *Ṣaum* (fast) more]." He said, "Nine (days per month)?" I replied, "O Allāh's Messenger! [I can observe *Ṣaum* (fast) more]" He said, "Eleven (days per month)?" And then the Prophet ﷺ said, "There is no *Ṣaum* (fast) superior to that of the Prophet Dāwūd (David) عليه السلام; it was for half of the year. So, observe *Ṣaum* (fast) on alternate days."

(٦٠) بابُ صِيامِ البِيضِ ثَلاثَ عَشْرَةَ، وأَرْبَعَ عَشْرَةَ، وخَمْسَ عَشْرَةَ

(60) CHAPTER. To observe *Ṣaum* (fast) the three days (preceding) the full moon night, i.e., 13th, 14th and the 15th of the lunar months.

١٩٨١ - حدَّثَنا أَبو مَعْمَرٍ: حدَّثَنا عَبْدُ الوَارِثِ: حدَّثَنا أَبو التَّيّاحِ قالَ: حدَّثَني أَبو عُثمانَ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: أَوْصاني خَليلي

1981. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: My friend (the Prophet ﷺ) advised me to observe three things:

(1) to observe *Ṣaum* (fast) three days every (lunar) month;

(2) to perform a two *Rak'ā Ḍuḥa* prayer and

(3) to perform the *Witr* prayer before sleeping.

[See H.1178].

(61) CHAPTER. Whoever visited some people and did not break his (optional) *Ṣaum* (fast) with them.

1982. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ paid a visit to Umm Sulaim and she placed before him dates and ghee. The Prophet ﷺ said, "Replace the ghee and dates in their respective containers for I am observing *Ṣaum* (fast)." Then he stood somewhere in her house and offered an optional *Ṣalāt* (prayer) and then he invoked Allāh to bless Umm Sulaim and her family. Then Umm Sulaim said, "O Allāh's Messenger! I have a special request (today)." He said, "What is it?" She replied, "(Please invoke for) your servant Anas." So, Allāh's Messenger ﷺ did not leave anything good in this world or in the Hereafter which he did not invoke (Allāh to bestow) on me and said, "O Allāh! Give him (i.e., Anas) property and children and bless him." Thus I am one of the richest among the *Anṣār* and my daughter Umaina told me that when Al-Ḥajjāj came to Baṣrah, more than 120 of my offspring had been buried.

(62) CHAPTER. Fasting the last days of the month.

1983. Narrated 'Imrān bin Ḥusain رَضِيَ اللهُ

ﷺ بِثَلاثٍ: صِيامِ ثَلاثَةِ أَيَّامٍ مِنْ كُلِّ شَهْرٍ، ورَكْعَتِي الضُّحَى، وأَنْ أُوتِرَ قَبْلَ أَنْ أَنامَ. [راجع: ١١٧٨]

(٦١) بابٌ مَنْ زارَ قَوْماً فَلَمْ يُفْطِرْ عِنْدَهُمْ

١٩٨٢ - حَدَّثَنا مُحَمَّدُ بنُ المُثَنَّى قالَ: حدَّثَنِي خالِدٌ هُوَ ابنُ الحارِثِ: حدَّثَنا حُمَيْدٌ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: دَخَلَ النَّبِيُّ ﷺ عَلى أُمِّ سُلَيمٍ، فَأَتَتْهُ بِتَمْرٍ وسَمْنٍ قالَ: «أَعِيدُوا سَمْنَكُمْ في سِقائِهِ، وتَمرَكُمْ في وِعائِهِ فإِنِّي صَائِمٌ». ثُمَّ قامَ إِلى ناحِيَةٍ مِنَ البَيْتِ فَصَلَّى غَيرَ المَكْتُوبَةِ، فَدَعا لأُمِّ سُلَيم وأَهْلِ بَيْتِها، فَقالَتْ أُمُّ سُلَيم: يا رَسُولَ اللهِ، إِنَّ لي خُوَيْصَةً، قالَ: «ما هِيَ؟» قالَتْ: خادِمُكَ أَنَسٌ، فَما تَرَكَ خَيرَ آخِرَةٍ ولا دُنْيا إِلَّا دَعا لِي بِهِ قال: «اللَّهُمَّ ارْزُقْهُ مالاً ووَلَداً وبارِكْ لَهُ»، فإِنِّي لَمِنْ أَكْثَرِ الأَنْصارِ مالاً. وحدَّثَتْنِي ابْنَتِي أُمَيْنَةُ أَنَّهُ دُفِنَ لِصُلْبِي مَقْدَمَ الحَجَّاجِ البَصْرَةَ بِضْعٌ وعِشْرُونَ وَمِائَةٌ». قالَ ابنُ أَبِي مَرْيَم: أَخْبَرَنا يَحْيى بن أَيُّوبَ قالَ: حدَّثَني حُمَيْدٌ: سَمِعَ أَنَساً رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ. [انظر: ٦٣٣٤، ٦٣٤٤، ٦٣٧٨، ٦٣٨٠]

(٦٢) بابُ الصَّوْمِ مِنْ آخِرِ الشَّهْرِ

١٩٨٣ - حَدَّثَنا الصَّلْتُ بنُ

مُحَمَّدٍ: حدَّثنا مَهْدِيٌّ، عَنْ غَيلانَ. ح وحدَّثنا أَبُو النُّعْمانِ: حدَّثنا مَهْدِيُّ بنُ مَيْمُونٍ: حدَّثنا غَيْلانُ بنُ جَرِيرٍ، عَنْ مُطَرِّفٍ، عَنْ عِمْرَانَ ابنِ حُصَيْنٍ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ أَنَّهُ سَأَلَهُ أَوْ سأَلَ رَجُلاً وعِمْرَانُ يَسْمَعُ فَقالَ: «يا أَبا فُلانٍ، أَمَا صُمتَ سَرَرَ هٰذَا الشَّهرِ؟» قالَ: أَظُنُّهُ قالَ: يَعْني رَمَضانَ. قالَ الرَّجُلُ: لا يا رَسُولَ اللهِ، قالَ: «فإذَا أَفْطَرْتَ فَصُمْ يَوْمَينِ». لَمْ يَقُلِ الصَّلْتُ: أَظُنُّهُ يَعْني رَمَضانَ. قالَ أَبُو عَبْدِ اللهِ: وقالَ ثابتٌ، عَنْ مُطَرِّفٍ، عَنْ عِمْرَانَ عَنِ النَّبِيِّ ﷺ: «مِنْ سَرَرِ شَعْبانَ».

عَنْهُما that the Prophet ﷺ asked him ('Imrān), or asked a man and 'Imrān was listening, "O Abū so-and so! Have you observed *Saum* (fasts) in the last days of this month?" (The narrator thought that he said, "the month of Ramaḍān"). The man replied, "No. O Allāh's Messenger!" The Prophet ﷺ said to him, "When you finish your *Saum* (fasts) (of Ramaḍān) observe *Saum* (fasts) for two days (in Shawwāl)."

Through another series of narrators 'Imrān said, "The Prophet ﷺ said, "[Have you observed *Saum* (fasts)] in the last days of Sha'bān?' "[1]

(٦٣) بابُ صَوْمِ يَوْمِ الجُمُعَةِ، وَإِذَا أَصْبَحَ صَائماً يَوْمَ الجُمُعَةِ فَعَلَيْهِ أَنْ يُفْطِرَ

(63) CHAPTER. Observing *Saum* (fast) on Friday. If someone gets up in the morning of Friday and is observing the *Saum* (fasts) he should break it [if he did not observe *Saum* the day before or does not intend to observe *Saum* (fasts) after it].

١٩٨٤ - حَدَّثَنا أَبُو عاصِمٍ، عَنِ ابنِ جُرَيْجٍ، عَنْ عَبْدِ الحَمِيدِ بنِ جُبَيْرِ بْنِ شَيْبَةَ، عَنْ مُحَمَّدِ بنِ عَبَّادٍ قالَ: سأَلْتُ جابِراً رَضِيَ اللهُ عَنْهُ: أَنَهَى النَّبِيُّ ﷺ عَنْ صَوْمِ يَوْمِ الجُمُعَةِ؟

1984. Narrated Muḥammad bin 'Abbād: I asked Jābir رَضِيَ الله عَنْهُ, "Did the Prophet ﷺ forbid observing *Saum* (fasts) on Fridays?" He replied, "Yes." [Through other narrators it is added, "If he intends to observe *Saum* (fasts) only that day."]

(1) (H.1983) The man whom the Prophet ﷺ asked seemed to have had the habit of observing *Saum* (fast) on the last days of every month, but he did not carry on this habit in the month of Sha'bān, for Allāh's Messenger ﷺ had forbidden the *Saum* (fast) of the day preceding Ramaḍān immediately. In this narration the Prophet ﷺ orders the man to make up for the days of Sha'bān which he missed by observing *Saum* (fast) on some days in Shawwāl, and that indicates that one should keep his habits of worshipping, and there is no harm if one observes *Saum* (fast) the last days of Sha'bān if it is his habit to *Saum* the last days of every month. (*Fath Al-Bārī*)

قالَ: نَعَمْ. زَادَ غَيرُ أَبِي عاصِمٍ: يَعْنِي: أَنْ يَنْفَرِدَ بِصَوْمِهِ.

1985. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: I heard the Prophet ﷺ saying, "None of you should observe *Ṣaum* (fast) on Friday unless he observes *Ṣaum* (fast) a day before or after it."

١٩٨٥ - **حَدَّثَنَا** عُمَرُ بنُ حَفْصِ بنِ غياثٍ: حدَّثنا أَبي: حدَّثنا الأَعمَشُ: حدَّثنا أَبو صَالحٍ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ النَّبيَّ ﷺ يَقُولُ: «لا يَصُومُ أَحَدُكُمْ يَوْمَ الجُمُعَةِ إِلَّا يَوْماً قَبْلَهُ أَوْ بَعْدَهُ».

1986. Narrated Juwairīya bint Al-Ḥārith رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ visited her (Juwairīya) on a Friday and she was observing *Ṣaum* (fast). He asked her, "Did you observed *Ṣaum* (fast) yesterday?" She said, "No." He said, "Do you intend to observe *Ṣaum* (fast) tomorrow?" She said, "No." He said, "Then break your *Ṣaum* (fast)."

Through another series of narrators, Abū Ayyūb is reported to have said, "He ordered her and she broke her *Ṣaum* (fast)."

١٩٨٦ - **حَدَّثَنَا** مُسَدَّدٌ: حدَّثنا يَحْيى، عَنْ شُعْبَةَ ح. وحدَّثني مُحَمَّدٌ: حدَّثنا غُنْدَرٌ: حدَّثنا شُعْبَةُ، عَنْ قَتادَةَ، عَنْ أَبي أَيُّوبَ، عَنْ جُوَيْرِيَةَ بِنْتِ الحَارِثِ رَضِيَ اللهُ عَنْهَا: أَنَّ النَّبيَّ ﷺ دَخَلَ عَلَيْها يَوْمَ الجُمُعَةِ وهيَ صَائمَةٌ فَقالَ: «أَصُمْتِ أَمْسِ؟» قالَتْ: لا، قالَ: «تُرِيدِينَ أَنْ تَصُومي غَداً؟» قالَتْ: لا، قالَ: «فأَفْطِري». وقالَ حَمَّادُ بنُ الجَعْدِ سَمِعَ قَتادَةَ: حدَّثني أَبُو أَيُّوبَ أَنَّ جُوَيْرِيَةَ حدَّثَتْهُ فأَمَرَها فأَفْطَرتْ.

(64) CHAPTER. Can one select some special days [for observing *Ṣaum* (fast)]?

(٦٤) بابٌ هَلْ يَخُصُّ شَيْئاً مِنَ الأَيَّامِ؟

1987. Narrated 'Alqama: I asked 'Āishah رَضِيَ اللهُ عَنْهَا: "Did Allāh's Messenger ﷺ use to do extra deeds of worship on some certain days?" She replied, "No, but his deeds were regular and constant. "Who amongst you can endure what Allāh's Messenger ﷺ used to endure?"

[See Vol. 8. *Ḥadīth* No. 6461, 6462, and 6466.]

١٩٨٧ - **حَدَّثَنَا** مُسَدَّدٌ: حدَّثنا يَحْيى، عَنْ سُفْيانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ عَنْ عَلْقَمَةَ: قُلْتُ لِعائِشَةَ رَضِيَ اللهُ تَعَالَى عَنْها: هَلْ كانَ رَسُولُ اللهِ ﷺ يَخْتَصُّ مِنَ الأَيَّامِ شَيْئاً؟ قالَتْ: لا، كانَ عَمَلُهُ دِيمَةً،

وأَيُّكُمْ يُطِيقُ ما كانَ رَسُولُ اللهِ ﷺ يُطِيقُ؟. [انظر: ٦٤٦٦]

(65) CHAPTER. Observing *Saum* (fast) on the day of *'Arafah*.

(٦٥) بابُ صَوْمِ يَوْمِ عَرَفَةَ

1988. Narrated Umm Al-Fadl bint Al-Harith: "While the people were with me on the day of *'Arafah* they differed as to whether the Prophet ﷺ was observing *Saum* (fast) or not; some said that he was observing *Saum* (fast) while others said that he was not observing *Saum* (fast). So, I sent to him a bowl full of milk while he was riding over his camel and he drank it."

١٩٨٨ - **حَدَّثَنا** مُسَدَّدٌ: حدَّثَنا يَحْيى، عَنْ مالِكٍ، قالَ: حدَّثَني سالِمٌ قالَ: حدَّثَني عُمَيرٌ مَولى أُمِّ الفَضْلِ أَنَّ أُمَّ الفَضْلِ حدَّثَتْهُ ح. وحدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ أَبي النَّضْرِ مَوْلى عُمَرَ بنِ عُبَيْدِ اللهِ، عَنْ عُمَيرٍ مَوْلى عَبْدِ اللهِ بنِ عَبَّاسٍ، عَنْ أُمِّ الفَضْلِ بِنْتِ الحَارِثِ: أَنَّ ناساً تَمارَوْا عِنْدَها يَوْمَ عَرَفَةَ في صَوْمِ النَّبِيِّ ﷺ فَقالَ بَعْضُهُمْ: هُوَ صَائِمٌ، وقالَ بَعْضُهُمْ: لَيْسَ بِصَائِمٍ. فأَرْسَلَتْ إِلَيْهِ بِقَدَحِ لَبَنٍ وهُوَ واقِفٌ عَلى بَعِيرِهِ فَشَرِبَهُ. [راجع: ١٦٥٨]

1989. Narrated Maimūna رَضِيَ اللهُ عَنْهَا: The people doubted whether the Prophet ﷺ was observing *Saum* (fast) on the day of *'Arafah* or not, so I sent milk while he was standing at 'Arafāt, he drank it and the people were looking at him.

١٩٨٩ - **حَدَّثَنا** يَحْيى بنُ سُلَيمانَ: أَخْبَرَني ابنُ وَهْبٍ، أَو قُرِئَ عَلَيْهِ، قالَ: أَخْبَرَني عَمْرٌو، عَنْ بُكَيرٍ، عَنْ كُرَيْبٍ، عَنْ مَيْمُونَةَ رَضِيَ اللهُ عَنْهَا: أَنَّ النَّاسَ شَكُّوا في صِيامِ النَّبِيِّ ﷺ يَوْمَ عَرَفَةَ فأَرْسَلَتْ إِلَيْهِ بِحِلابٍ وهُوَ واقِفٌ في المَوقِفِ، فَشَرِبَ مِنْهُ والنَّاسُ يَنْظُرُونَ.

(66) CHAPTER. Observing *Saum* (fast) on the first day of *'Eid-ul-Fitr*.

(٦٦) بابُ صَوْمِ يَوْمِ الفِطْرِ

١٩٩٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبرَنا مالكٌ، عَن ابنِ شِهابٍ، عَنْ أَبي عُبَيْدٍ مَوْلى ابنِ أَزْهرَ قالَ: «شَهِدْتُ العِيدَ مَعَ عُمَرَ بنِ الخَطَّابِ رَضِيَ اللهُ عَنْهُ فَقالَ: هٰذَانِ يَوْمانِ نَهَى رَسُولُ اللهِ ﷺ عَنْ صِيامِهِما، يَوْمُ فِطْرِكُمْ مِنْ صِيامِكُمْ، واليَوْمُ الآخَرُ تَأكُلُونَ فِيهِ مِنْ نُسُكِكُمْ. قالَ أَبُو عَبْدِ اللهِ: قالَ ابنُ عُيَيْنَةَ: مَنْ قالَ: مَوْلى ابنِ أَزْهَرَ فَقَدْ أَصابَ، ومَنْ قالَ: مَوْلى عَبْدِ الرَّحْمٰنِ بنِ عَوْفٍ فَقَدْ أَصابَ. [انظر: ٥٥٧١]

1990. Narrated Abū 'Ubaid, the slave of Ibn Azhar: I witnessed the *'Eid* with 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُ who said, "Allāh's Messenger ﷺ has forbiden people to observe *Ṣaum* (fast) on the day on which you break fasting (the *Ṣaum* of Ramaḍān) and the day on which you eat the meat of your sacrifices (i.e., the first day of *'Eid-ul-Fiṭr* and *'Eid-ul-Aḍha*).

١٩٩١ - حَدَّثَنَا مُوسَى بنُ إسمَاعِيلَ: حدَّثنا وُهَيْبٌ: عَنْ عَمرِو بنِ يَحْيى، عَنْ أَبِيهِ، عَنْ أَبي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى رَسُولُ اللهِ ﷺ عَنْ صَوْمِ يوم الفِطْرِ والنَّحْرِ وعَنِ الصَّمَّاءِ، وأَنْ يَحتَبِيَ الرَّجُلُ في الثوب الواحد. [راجع: ٣٦٧]

1991. Narrated Abū Sa'īd رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade the *Ṣaum* (fasting) of *'Eid-ul-Fiṭr* and *'Eid-ul-Aḍha* (two feast days) and also the wearing of *Aṣ-Ṣammā'* (a single garment covering the whole body), and sitting with one's legs drawn up while being wrapped in one garment.

١٩٩٢ - وعَنْ صَلاةٍ بَعْدَ الصُّبْحِ والعَصْرِ. [راجع: ٥٨٦]

1992. Abū Sa'īd added: He also forbade the *Ṣalāt* (prayer) after the *Fajr* (early morning) and the *'Aṣr* (afternoon) *Ṣalāt* (prayers).

(٦٧) **بابُ** صَوْمِ يَوْمِ النَّحْرِ

(67) CHAPTER. Observing *Ṣaum* (fast) on the day of *Naḥr* (i.e., first day of *'Eid-ul-Aḍha*).

١٩٩٣ - حَدَّثَنَا إبْرَاهِيمُ بنُ مُوسَى: أَخْبرَنا هِشامٌ، عَنِ ابنِ جُرَيْجٍ قالَ: أَخْبرَني عَمْرُو بنُ دِينارٍ، عَنْ عَطاءِ بنِ ميناءَ قالَ: سَمِعْتُهُ

1993. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Two *Ṣaum* (fasts) and two kinds of sale are forbidden: observing *Ṣaum* (fast) on the day of *'Eid-ul-Fiṭr* and *'Eid-ul-Aḍha* and the kinds of sale called *Mulāmasa* and *Munābadha*. (These two kinds of sale used to be practised

يُحَدِّثُ عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: يُنْهَى عَنْ صِيامَيْنِ وبَيْعَتَيْنِ: الفِطْرِ والنَّحْرِ، والمُلامَسَةِ والمُنابَذَةِ. [راجع: ٣٦٨]

in the days of Pre-Islāmic Period of Ignorance; *Mulāmasa* means when you touch something displayed for sale you have to buy it; *Munābadha* means when the seller throws something to you, you have to buy it.)

١٩٩٤ - حَدَّثَنا مُحَمَّدُ بنُ المُثَنَّى: حدَّثَنا مُعاذٌ: أَخبرَنا ابنُ عَوْنٍ، عَنْ زِيادِ ابنِ جُبَيرٍ قالَ: جاءَ رَجُلٌ إلى ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما فَقالَ رَجُلٌ: نَذَرَ أَنْ يَصُومَ يَوْماً، قالَ: أَظُنُّهُ قالَ: الاثْنَينِ فَوافَقَ ذٰلِكَ يَوْمَ عِيدٍ؛ فَقالَ ابنُ عُمَرَ: أَمَرَ اللهُ بِوَفاءِ النَّذْرِ، ونَهَى النَّبيُّ ﷺ عَنْ صَوْمِ هذا اليَوْمِ. [انظر: ٦٧٠٥، ٦٧٠٦]

1994. Narrated Ziyād bin Jubair: A man went to Ibn 'Umar رَضِيَ اللهُ عَنْهُما and said, "A man vowed to observe *Ṣaum* (fast) one day (the subnarrator thinks that he said that the day was Monday), and that day happened to be *'Eid* day." Ibn 'Umar said, "Allāh orders vows to be fulfilled and the Prophet ﷺ forbade *Ṣaum* on this day (i.e., *'Eid*)."

١٩٩٥ - حَدَّثَنا حَجَّاجُ بنُ مِنْهالٍ: حدَّثَنا شُعْبَةُ: حدَّثَنا عَبْدُ المَلِكِ بنُ عُمَيرٍ قالَ: سَمِعْتُ قَزَعَةَ قالَ: سَمِعْتُ أَبا سَعِيدٍ الخُدْرِيَّ رَضِيَ اللهُ عَنْهُ وكانَ غَزا مَعَ النَّبِيِّ ﷺ ثِنْتَيْ عَشْرَةَ غَزْوَةً، قالَ: سَمِعْتُ أَرْبَعاً عَنِ النَّبِيِّ ﷺ فأَعْجَبْنَني قالَ: «لا تُسافِرِ المرأةُ مَسيرَةَ يَوْمَينِ إلَّا وَمَعَها زَوْجُها أَو ذُو مَحْرَمٍ. ولا صَوْمَ في يَوْمَينِ: الفِطْرِ والأَضْحَى، ولا صَلاةَ بَعْدَ الصُّبْحِ حتَّى تَطْلُعَ الشَّمْسُ، ولا بَعْدَ العَصْرِ حتَّى تَغْرُبَ. ولا تُشَدُّ الرِّحالُ إلَّا إلَى ثَلاثَةِ مَساجِدَ: مَسْجِدِ الحَرَامِ، ومَسْجِدِ الأَقْصَى، ومَسْجِدِي هذا». [راجع: ٥٨٦]

1995. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ (who fought in twelve *Ghazawāt* in the company of the Prophet ﷺ). I heard four things from the Prophet ﷺ and they won my admiration. He ﷺ said:

1. "No lady should travel on a journey of two days except with her husband or a *Dhī-Maḥram*;

2. "No *Ṣaum* (fasting) is permissible on the two days of *'Eid-ul-Fiṭr* and *'Eid-ul-Aḍḥa*;

3. "No *Ṣalāt* (prayer) (may be offered) after the morning (compulsory) *Ṣalāt* (prayer) until the sun rises; and no *Ṣalāt* (prayer) after the *'Aṣr* prayer till the sun sets;

4. "One should travel only for visiting three *Masājid* (mosques): *Masjid-al-Ḥarām* (Makkah), *Masjid-al-Aqṣā* (Jerusalem), and this (my) mosque (at Al-Madīna)."

(68) CHAPTER. Observing *Ṣaum* (fast) on *Tashrīq* days (11th, 12th and 13th of Dhul-Ḥijjah).

(٦٨) **بابُ** صِيامِ أَيَّامِ التَّشْرِيقِ

1996. Narrated Yaḥyā: Hishām said, "My father said that 'Āishah رَضِيَ اللهُ عَنْهَا used to observe *Ṣaum* (fast) on the days of Mina." His (i.e., Hishām's) father also used to observe *Ṣaum* on those days.

١٩٩٦ - قال أبو عَبْدِ اللهِ: قالَ لي مُحَمَّدُ بنُ المُثَنَّى: حدَّثَنا يَحْيى، عَنْ هِشامٍ قالَ: أَخْبرَني أَبي: كانَتْ عائِشَةُ رَضِيَ اللهُ عَنْهَا تَصُومُ أَيَّامَ مِنًى وكانَ أَبُوهُ يَصُومُها.

1997, 1998. Narrated 'Āishah and Ibn 'Umar رَضِيَ اللهُ عَنْهُم: Nobody was allowed to observe *Ṣaum* (fast) on the days of *Tashrīq* except those who could not afford the *Hady* (animals for sacrifice).

١٩٩٧، ١٩٩٨ - **حَدَّثَنا** مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا غُنْدَرٌ: حدَّثَنا شُعْبَةُ: سَمِعْتُ عَبْدَ اللهِ بنَ عيسَى، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ، وعَنْ سالِمٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُمْ قالا: لَمْ يُرَخَّصْ في أَيَّامِ التَّشْرِيقِ أَنْ يُصَمْنَ إِلَّا لِمَنْ لَمْ يَجِدِ الهَدْيَ.

1999. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا: Observing *Ṣaum* (fast) for those who perform *Ḥajj-at-Tamattu'* (in lieu of the *Hady* which they cannot afford) may be performed up to the day of *'Arafah.* And if one does not get a *Hady* and has not observed *Ṣaum* (fast) (before the *'Eid*) then one should observe *Ṣaum* (fast) during the days of Mina (11th, 12th and 13th of Dhul-Ḥijjah).

١٩٩٩ - **حَدَّثَنا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبرَنا مالِكٌ، عَنِ ابنِ شِهابٍ، عَنْ سالِمِ بنِ عَبْدِ اللهِ بنِ عُمَرَ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: الصِّيامُ لِمَنْ تَمَتَّعَ بالعُمْرَةِ إلى الحَجِّ إلى يَوْمِ عَرَفَةَ، فإنْ لَمْ يَجِدْ هَدْياً ولَمْ يصُمْ صَامَ أَيَّامَ مِنًى. وعَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ مِثْلَهُ. وتابَعَهُ إبْراهِيمُ بنُ سَعْدٍ عَنِ ابنِ شِهابٍ.

(69) CHAPTER. Observing *Ṣaum* (fast) on the day of *'Āshūra'* (tenth of Muḥarram).

(٦٩) **بابُ** صَوْمِ يَوْمِ عاشُوراءَ

2000. Narrated Sālim's father رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever wishes may

٢٠٠٠ - **حَدَّثَنا** أبو عاصِمٍ، عَنْ

عُمَرَ بنِ مُحَمَّدٍ، عَنْ سالمٍ، عَنْ أَبيهِ رَضِيَ اللهُ عَنْهُ، قالَ: قالَ النَّبِيُّ ﷺ يَوْمَ عاشُوراءَ: «إِنْ شاءَ صامَ». [راجع: ١٨٩٢]

observe *Ṣaum* (fast) on the day of *'Āshūra'*."

٢٠٠١ - حَدَّثَنا أَبُو اليَمانِ، أَخْبَرَنا شُعَيْبٌ عَنِ الزُّهْرِيِّ قالَ: أَخْبَرَني عُرْوَةُ ابنُ الزُّبَيرِ أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ رَسُولُ اللهِ ﷺ أَمَرَ بِصِيامِ يَوْمِ عاشُوراءَ فَلَمَّا فُرِضَ رَمَضانُ كانَ مَنْ شاءَ صامَ ومَنْ شاءَ أَفْطَرَ. [راجع: ١٥٩٢]

2001. Narrated 'Āishah رَضِيَ اللهُ عَنها: Allāh's Messenger ﷺ ordered (the Muslims) to observe *Ṣaum* (fast) on the day of *'Āṣhūra'*, and when fasting in the month of Ramaḍān was prescribed, it became optional for one to observe *Ṣaum* (fast) on that day (*'Āṣhūra'*) or not.

٢٠٠٢ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أَبيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ يَوْمُ عاشُوراءَ تَصُومُهُ قُرَيْشٌ في الجاهِلِيَّةِ، وكانَ رَسُولُ اللهِ ﷺ يَصُومُهُ فِي الجاهِلِيَّةِ، فَلَمَّا قَدِمَ المَدِينَةَ صامَهُ وأَمَرَ بِصِيامِهِ. فَلَمَّا فُرِضَ رَمَضانُ تَرَكَ يَوْمَ عاشُوراءَ، فَمَنْ شاءَ صامَهُ ومَنْ شاءَ تركَهُ. [راجع: ١٥٩٢]

2002. Narrated 'Āishah رَضِيَ اللهُ عَنها: Quraish used to observe *Ṣaum* (fast) on the day of *'Āṣhūra'* in the Pre-Islāmic Ignorance Period, and Allāh's Messenger ﷺ too, used to observe *Ṣaum* (fast) on that day. When he came to Al-Madīna, he observed *Ṣaum* (fast) on that day and ordered others to observe *Ṣaum* (fast), too. Later when the fasting of the month of Ramaḍān was prescribed, he gave up fasting on the day of *'Āṣhūra'* and became optional for one to observe *Ṣaum* (fast) on it or to leave its fasting.

٢٠٠٣ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنِ ابنِ شِهابٍ، عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ: أَنَّهُ سَمِعَ مُعاوِيَةَ بنَ أَبي سُفْيانَ رَضِيَ اللهُ عَنْهُما يَوْمَ عاشُوراءَ عامَ حَجَّ عَلى المِنْبَرِ يَقُولُ: يا أَهْلَ المَدِينَةِ، أَيْنَ عُلَماؤُكُمْ؟ سَمِعْتُ رَسُولَ اللهِ ﷺ

2003. Narrated Ḥumaid bin 'Abdur-Raḥmān that he heard Mu'āwīya bin Abī Sufyān رَضِيَ اللهُ عَنهما on the day of *'Āṣhūra'* during the year he performed the *Ḥajj*, saying on the pulpit, "O the people of Al-Madīna! Where are your religious scholars? I heard Allāh's Messenger ﷺ saying, 'This is the day of *'Āṣhūra'*. Allāh has not enjoined its *Ṣaum* (fast) on you but I am fasting it. You have the choice either to observe *Ṣaum* (fast) or not to observe *Ṣaum* (fast) (on this day).'"

يَقُولُ: «هذَا يَوْمُ عَاشُورَاءَ ولَمْ يَكْتُبِ اللهُ عَلَيْكُمْ صِيامَهُ وأَنا صَائِمٌ، فَمَنْ شاءَ فَلْيَصُمْ ومَنْ شاءَ فَلْيُفْطِرْ».

٢٠٠٤ - حَدَّثَنَا أَبُو مَعْمَرٍ: حدَّثَنا عَبْدُ الوَارِثِ: حدَّثَنا أَيُّوبَ: عَنْ عَبْدِ اللهِ بنِ سَعِيدِ بنِ جُبَيرٍ، عَنْ أَبِيهِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قَدِمَ النَّبِيُّ ﷺ المَدِينَةَ فَرَأَى اليَهُودَ تَصُومُ يَوْمَ عاشُورَاءَ فَقالَ: «ما هذَا؟» قالُوا: هذَا يَوْمٌ صَالِحٌ، هذَا يَوْمٌ نَجَّى اللهُ بَني إِسْرَائِيلَ مِنْ عَدُوِّهِمْ، فَصَامَهُ مُوسَى، قالَ: «فأَنا أَحَقُّ بِمُوسَى مِنْكُمْ»، فَصَامَهُ، وأَمَرَ بِصِيامِهِ. [انظر: ٣٣٩٧، ٣٩٤٣، ٤٦٨٠، ٤٧٣٧]

2004. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ came to Al-Madīna and saw the Jews observing fast on the day of '*Āshūra*'. He asked them about that. They replied, "This is a good day, the day on which Allāh rescued Banī Isrāel from their enemy. So, Mûsa (Moses) on this day." The Prophet ﷺ said, "We have more claim over Mûsa than you." So, the Prophet ﷺ observed *Ṣaum* (fast) on that day and ordered (the Muslims) to observe *Ṣaum* (fast) (on that day).

٢٠٠٥ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا أَبُو أُسامَةَ، عَنْ أَبي عُمَيْسٍ، عَنْ قَيْسِ ابنِ مُسْلِمٍ، عَنْ طارِقِ بنِ شِهابٍ عَنْ أَبي مُوسَى رَضِيَ اللهُ عَنْهُ قالَ: كانَ يَوْمُ عاشُورَاءَ تَعُدُّهُ اليَهُودُ عِيداً، قالَ النَّبِيُّ ﷺ: «فَصُومُوهُ أَنْتُمْ». [انظر: ٣٩٤٢]

2005. Narrated Abū Mūsā رَضِيَ اللهُ عَنْهُ: The day of '*Āshūra*' was considered as '*Eid* day by the Jews. So the Prophet ﷺ ordered, "I recommend you (Muslims) to observe *Ṣaum* (fast) on this day."

٢٠٠٦ - حَدَّثَنَا عُبَيْدُ اللهِ بنُ مُوسَى، عَنِ ابنِ عُيَيْنَةَ، عَنْ عُبَيْدِ اللهِ بْنِ أَبي يَزِيدَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ

2006. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: I never saw the Prophet ﷺ seeking to observe *Ṣaum* (fast) on a day more (preferable to him) than this day, the day of '*Āshūra*', or this month, i.e., the month of Ramaḍān.[1]

(1) (H.2006) This is only the opinion of Ibn 'Abbās رَضِيَ اللهُ عَنْهُما which might differ from what other people think, for in a narration reported by Qatāda from the Prophet ﷺ, it is mentioned that *Ṣaum (*fasting) on the day of *'Arafah* expiates the sins of two years, while observing *Ṣaum* (fast) on the day of *'Ashūra'* expiates the sins of only one year. This indicates that observing *Ṣaum* (fast) on the day of *'Arafāh* is superior to that of '*Ashūra*'.

اللهُ عَنْهُما، قالَ: ما رَأَيْتُ النَّبِيَّ ﷺ يَتَحَرَّى صِيامَ يَوْمٍ فَضَّلَهُ عَلى غيرِهِ إلَّا هذا اليَوْمَ، يَوْمَ عاشُورَاءَ، وهذا الشَّهْرَ، يَعْنِي: شَهْرَ رَمَضانَ.

٢٠٠٧ - حَدَّثَنا المَكِّيُّ بنُ إبْرَاهِيمَ: حدَّثَنا يَزِيدُ بنُ أبي عُبَيْدٍ عَنْ سَلَمَةَ بنِ الأكْوَعِ رَضِيَ اللهُ عَنْهُ، قالَ: أمَرَ النَّبِيُّ ﷺ رَجُلاً مِنْ أسْلَمَ أنْ «أذِّنْ في النَّاسِ: أنَّ مَنْ كانَ أكَلَ فَلْيَصُمْ بَقِيَّةَ يَوْمِهِ، ومَنْ لَمْ يَكُنْ أكَلَ فَلْيَصُمْ؛ فإنَّ اليَوْمَ يَوْمُ عاشُورَاءَ».

[راجع: ١٩٢٤]

2007. Narrated Salama bin Al-Akwa' رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ ordered a man from the tribe of Banī Aslam to announce amongst the people that whoever had eaten should observe *Ṣaum* (fast) the rest of the day, and whoever had not eaten should continue his *Ṣaum* (fast), as that day was the day of *'Āshūra'*.

31 – THE BOOK OF *TARĀWĪH* PRAYERS [*Nawāfil* Prayers at night in Ramaḍān].

٣١ - كتاب صلاة التراويح

(1) CHAPTER. The superiority of praying (*Nawāfil*) at night in Ramaḍān.

(١) بابُ فَضْلِ مَنْ قامَ رَمَضَانَ

2008. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: I heard Allāh's Messenger ﷺ saying regarding Ramaḍān, "Whoever performed *Ṣalāt* (prayers) at night in it (the month of Ramaḍān) with sincere faith and hoping for a reward from Allāh, then all his past sins will be forgiven."

٢٠٠٨ - حَدَّثَنَا يَحْيَى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ: أَخْبرَني أَبُو سَلَمَةَ أَنَّ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ لِرَمَضَانَ: «مَنْ قَامَهُ إيماناً واحْتِساباً غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ». [راجع: ٣٥]

2009. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever performed *Ṣalāt* (prayers) at night in the month of Ramaḍān with sincere faith and hoping for a reward from Allāh, then all his past sins will be forgiven." Ibn Shihāb (a subnarrator) said, "Allāh's Messenger ﷺ died and the people continued observing that (i.e., *Nawāfil* offered individually, not in congregation), and it remained as it was, during the caliphate of Abū Bakr and in the early days of 'Umar's caliphate."

٢٠٠٩ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنِ ابنِ شِهابٍ؛ عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «مَنْ قامَ رَمَضانَ إيماناً واحْتِساباً غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ». قالَ ابنُ شِهابٍ: فَتُوُفِّي رَسُولُ اللهِ ﷺ والنّاسُ عَلى ذٰلكَ. ثُمَّ كانَ الأَمْرُ عَلى ذٰلكَ في خِلافَةِ أَبي بَكْرٍ، وصَدْراً مِنْ خِلافَةِ عُمَرَ رَضِيَ اللهُ عَنْهُما. [راجع: ٣٥]

2010. Narrated Ibn Shihāb: Abdur Raḥmān bin 'Abdul Qarī said, "I went out in the company of 'Umar bin Al-Khaṭṭāb one night in Ramaḍān to the mosque and found the people performing *Ṣalāt* (prayers) in different groups. A man performing *Ṣalāt* (prayers) alone, or a man performing *Ṣalāt* (prayers) with a little group behind him. So,

٢٠١٠ - وعَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ عَنْ عَبْدِ الرَّحْمٰنِ بنِ عَبْدٍ القارِيِّ أَنَّهُ قالَ: خَرَجْتُ مَعَ عُمَرَ بنِ الخَطّابِ رَضِيَ اللهُ عَنْهُ لَيْلَةً في رَمَضانَ إلى المَسْجِدِ فإذَا النَّاسُ

أَوْزَاعٌ مُتَفَرِّقُونَ، يُصَلِّي الرَّجُلُ لِنَفْسِهِ وَيُصَلِّي الرَّجُلُ فَيُصَلِّي بِصَلاتِهِ الرَّهْطُ، فَقالَ عُمَرُ: إِنِّي أَرَى لَوْ جَمَعْتُ هٰؤُلاءِ عَلَى قارِئٍ واحِدٍ لَكانَ أَمْثَلَ، ثُمَّ عَزَمَ فَجَمَعَهُمْ عَلَى أُبَيِّ بنِ كَعْبٍ. ثُمَّ خَرَجْتُ مَعَهُ لَيْلَةً أُخْرَى والنَّاسُ يُصَلُّونَ بِصَلاةِ قارِئِهِمْ، قالَ عُمَرُ: نِعْمَ البِدْعَةُ هٰذِهِ، والَّتِي يَنامُونَ عَنْها أَفْضَلُ مِنَ الَّتِي يَقُومُونَ، يُرِيدُ آخِرَ اللَّيْلِ. وكانَ النَّاسُ يَقُومُونَ أَوَّلَهُ.

'Umar said, 'In my opinion I would better collect these (people) under the leadership of one *Qārī* (reciter) [i.e., let them perform *Ṣalāt* (prayers) in congregation!]'. So, he made up his mind and he congregated them behind Ubaī bin Ka'b. Then on another night I went again in his company and the people were performing *Ṣalāt* (prayers) behind their reciter. On that, 'Umar remarked, 'What an excellent *Bid'a* (i.e., innovation in religion) this is; but the *Ṣalāt* (prayers) which they do not perform, and sleep at its time is superior than the one they are performing now.' He meant the *Ṣalāt* (prayers) in the last part of the night. (In those days) people used to perform *Ṣalāt* (prayers) in the early part of the night."

٢٠١١ - حَدَّثَنَا إِسمَاعِيلُ قالَ: حدَّثَنِي مالِكٌ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها زَوْجِ النَّبِيِّ ﷺ: أَنَّ رَسُولَ اللهِ ﷺ صَلَّى، وذلكَ في رَمَضانَ.

[راجع: ٧٢٩]

2011. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا, the wife of the Prophet ﷺ: Allāh's Messenger ﷺ used to perform *Salāt* (prayer) (at night) in Ramaḍān.

٢٠١٢ - وَحَدَّثَنِي يَحيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ: أَخْبَرَنِي عُرْوَةُ: أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْهَا أَخْبَرَتْهُ: أَنَّ رَسُولَ اللهِ ﷺ خَرَجَ لَيْلَةً مِنْ جَوْفِ اللَّيْلِ، فَصَلَّى في المَسْجِدِ وصَلَّى رِجالٌ بِصَلاتِهِ، فَأَصْبَحَ النَّاسُ فَتَحَدَّثُوا فاجْتَمَعَ أَكْثَرُ مِنْهُمْ فَصَلَّى فَصَلَّوْا مَعَهُ. فَأَصْبَحَ النَّاسُ فَتَحَدَّثُوا فَكَثُرَ أَهْلُ المَسْجِدِ مِنَ اللَّيْلَةِ الثَّالِثَةِ،

2012. Narrated 'Urwa that he was informed by 'Āishah رَضِيَ اللهُ عَنْهَا, "Allāh's Messenger ﷺ went out in the middle of the night and performed *Ṣalāt* (prayer) in the mosque and some men performed *Ṣalāt* (prayer) behind him. In the morning, the people spoke about it and then a large number of them gathered and performed *Ṣalāt* (prayer) behind him (on the second night). In the next morning the people again talked about it and on the third night the mosque was full with a large number of people. Allāh's Messenger ﷺ came out and the people performed *Ṣalāt* (prayer) behind him. On the fourth night the mosque was

overwhelmed with people and could not accomodate them, but the Prophet ﷺ came out (only) for the morning *Ṣalāt* (prayer). When the morning *Ṣalāt* (prayer) was finished, he recited *Tashah-hud* and (addressing the people) said, "*Ammā ba'du*, your presence was not hidden from me but I was afraid lest the night *Ṣalāt* (prayer) should be enjoined on you and you might not be able to carry it on." So, Allāh's Messenger ﷺ died and the situation remained like that (i.e., people offered the night prayers individually)."

فَخَرَجَ رَسُولُ اللهِ ﷺ فَصَلَّى بِصَلاتِهِ. فَلَمَّا كانَتِ اللَّيْلَةُ الرَّابِعَةُ عَجَزَ المَسْجِدُ عَنْ أَهْلِهِ حتَّى خَرَجَ لِصَلاةِ الصُّبْحِ فَلَمَّا قَضَى الفَجْرَ أَقْبَلَ عَلَى النَّاسِ فَتَشَهَّدَ. ثُمَّ قالَ: «أَمَّا بَعْدُ، فإِنَّهُ لَمْ يَخْفَ عَلَيَّ مَكانُكُمْ، ولكِنِّي خَشِيتُ أَنْ تُفْرَضَ عَلَيْكُمْ فَتَعْجِزُوا عَنْهَا». فَتُوُفِّيَ رَسُولُ اللهِ ﷺ والأَمْرُ عَلَى ذلكَ. [راجع: ٧٢٩]

2013. Narrated Abū Salama bin 'Abdur Raḥmān that he asked 'Āishah رَضِيَ اللهُ عَنْهَا "How was the *Ṣalāt* (prayer) of Allāh's Messenger ﷺ in Ramaḍān?" She replied, "He did not perform *Ṣalāt* (prayer) more than eleven *Rak'ā* in Ramaḍān or in any other month. He used to perform four *Rak'ā* – let alone their beauty and length – and then he would perform four *Rak'ā* – let alone their beauty and length – and then he would perform three *Rak'ā* (*Witr*)." She added, "I asked, 'O Allāh's Messenger! Do you sleep before praying the *Witr*?' he replied, 'O 'Āishah! My eyes sleep but my heart does not sleep."

٢٠١٣ - حَدَّثَنَا إِسماعِيلُ قالَ: حدَّثَني مالِكٌ، عَنْ سَعِيدٍ المَقْبُرِيِّ، عَنْ أَبي سَلَمَةَ ابنِ عَبْدِ الرَّحْمٰنِ أَنَّهُ سَأَلَ عائِشَةَ رَضِيَ اللهُ عَنْهَا: كَيْفَ كانَتْ صَلاةُ رَسُولِ اللهِ ﷺ في رَمَضَانَ؟ فَقالَتْ: ما كانَ يَزِيدُ في رَمَضانَ ولا في غَيرِهِ عَلى إِحْدَى عَشْرَةَ رَكْعَةً، يُصَلِّي أَرْبَعاً فَلا تَسْأَلْ عَنْ حُسْنِهِنَّ وطُولِهِنَّ، ثُمَّ يُصَلِّي أَرْبَعاً فَلا تَسْأَلْ عَنْ حُسْنِهِنَّ وطُولِهِنَّ، ثُمَّ يُصَلِّي ثَلاثاً. فَقُلْتُ: يا رَسُولَ اللهِ، أَتَنامُ قَبْلَ أَنْ تُوتِرَ؟ قالَ: «يا عائِشَةُ، إِنَّ عَيْنَيَّ تَنامانِ ولا يَنامُ قَلْبي». [راجع: ١١٤٧]

32 - THE BOOK OF SUPERIORITY OF THE NIGHT OF *QADR*

٣٢ - كتاب فَضْلِ ليلة القدر

(1) CHAPTER. The superiority of the night of *Qadr*.

And Allāh تعالى said; "Verily! We have sent it (this Qur'ān) down in the night of *Al-Qadr* (Decree). And what will make you know what the night of *Qadr* is....."

..... till the end of the *Sūrah*. (V.97:1,2)

(١) بابٌ فَضْلِ لَيْلَةِ القَدْرِ،

وَقَالَ اللهُ تَعالَى: ﴿إِنَّا أَنزَلْنَٰهُ فِي لَيْلَةِ ٱلْقَدْرِ ۝١ وَمَآ أَدْرَىٰكَ مَا لَيْلَةُ ٱلْقَدْرِ ۝٢﴾ إِلَى آخِرِ السُّورَةِ.

قالَ ابنُ عُيَيْنَةَ: ما كانَ في القُرآنِ ﴿وَمَآ أَدْرَىٰكَ﴾ فَقَدْ أَعْلَمَهُ. وما قالَ: ﴿وَمَا يُدْرِيكَ﴾ فإنَّهُ لَمْ يُعْلِمْ.

2014. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever observed *Saum* (fast) in the month of Ramaḍān with sincere faith (i.e., belief) and hoping for a reward from Allāh, then all his past sins will be forgiven, and whoever stood for the *Salāt* (prayers) in the night of *Qadr* with sincere faith and hoping for a reward from Allāh, then all his past sins will be forgiven."

٢٠١٤ - حَدَّثَنا عليُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ قالَ: حَفِظْناهُ، وأَيَّما حِفْظٍ مِنَ الزُّهْرِيِّ، عَنْ أَبي سَلَمَةَ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «مَنْ صامَ رَمَضانَ إيماناً واحْتِساباً غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ. ومَنْ قامَ لَيْلَةَ القَدْرِ إيماناً واحْتِساباً غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ». تابَعَهُ سُلَيمانُ بنُ كَثيرٍ عَنِ الزُّهْرِيِّ.

[راجع: ٣٥]

(2) CHAPTER. To look for the night of *Qadr* in the last seven nights (of Ramaḍān).

(٢) بابُ الْتِماسِ لَيْلَةِ القَدْرِ في السَّبعِ الأَوَاخِرِ

2015. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Some men amongst the companions of the Prophet ﷺ were shown in their dreams that the night of *Qadr* was in the last seven nights of Ramaḍān. Allāh's Messenger ﷺ said, "It seems that all your dreams agree that (the night of *Qadr*) is in the last seven nights, and whoever wants to search for it (i.e., the night of *Qadr*) should search in the last seven (nights of Ramaḍān)."

٢٠١٥ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالكٌ، عَنْ نافعٍ عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رِجالاً مِنْ أَصْحابِ النَّبيِّ ﷺ أُرُوا لَيْلَةَ القَدْرِ في المَنامِ في السَّبعِ الأَواخِرِ. فَقالَ رَسُولُ اللهِ ﷺ: «أَرَى رُؤْياكُمْ قَدْ تَواطَأَتْ في السَّبعِ الأَواخِرِ، فَمَنْ

كانَ مُتَحَرِّيها فَلْيَتَحَرَّها في السَّبْعِ الأَوَاخِرِ». [راجع: ١١٥٨]

2016. Narrated Abū Salama: I asked Abū Sa'īd رَضِيَ اللهُ عَنْهُ – and he was a friend of mine – (about the night of *Qadr*) and he said, "We practised *I'tikāf* (seclusion in the mosque) in the middle third of the month of Ramaḍān with the Prophet ﷺ. In the morning of the 20th of Ramaḍān, the Prophet ﷺ came and addressed us and said, 'I was informed of (the date of the night of *Qadr*) but I was caused to forget it (or I forgot); so, search for it in the odd nights of the last ten nights of the month of Ramaḍān. (In the dream) I saw myself prostrating in mud and water (as a sign). So, whoever was in *I'tikāf* with me should return to it (for another 10 days period)', and we returned. At that time there was no sign of clouds in the sky, but suddenly a cloud came and it rained till rain-water started leaking through the roof of the mosque which was made of date-palm leaf stalks. Then the *Ṣalāt* (prayer) was established and I saw Allāh's Messenger ﷺ prostrating in mud and water and I saw the traces of mud on his forehead."

٢٠١٦ - حَدَّثَنَا مُعاذُ بنُ فَضالَةَ: حدَّثَنا هِشامٌ، عَنْ يَحْيى، عَنْ أَبي سَلَمَةَ قالَ: سَأَلْتُ أبا سَعيدٍ وكانَ لي صَديقاً فَقالَ: اعْتَكَفْنا مَعَ النَّبيِّ ﷺ العَشْرَ الأَوْسَطَ مِنْ رَمَضانَ، فَخَرَجَ صَبيحَةَ عِشْرينَ فَخَطَبَنا وقالَ: «إِنِّي أُريتُ لَيلَةَ القَدْرِ ثُمَّ أُنْسيتُها أَوْ نُسِّيتُها، فالتَمِسُوها في العَشْرِ الأَوَاخِرِ في الوِتْرِ، وَإِنِّي رأيْتُ أَنِّي أَسْجُدُ في ماءٍ وطِينٍ، فمَنْ كانَ اعْتَكَفَ مَعي فَلْيَرْجِعْ». فَرَجَعْنا وما نَرى في السَّماءِ قَزَعَةً فَجاءَتْ سَحابَةٌ فمَطَرَتْ حتَّى سالَ سَقْفُ المَسْجِدِ وكانَ مِنْ جَريدِ النَّخْلِ، وأُقيمَتِ الصَّلاةُ فرَأَيتُ رَسُولَ اللهِ ﷺ يَسْجُدُ في الماءِ والطِّينِ حتَّى رأيتُ أَثَرَ الطِّينِ في جَبْهَتِهِ. [راجع: ٦٦٩]

(3) CHAPTER. To search for the night of *Qadr* in the odd nights of the last ten nights (of Ramaḍān).

This narration has come from 'Ubāda (bin Aṣ-Ṣāmit) on the authority of the Prophet ﷺ.

(٣) بابُ تَحَرِّي لَيْلَةِ القَدْرِ في الوِتْرِ مِنَ العَشْرِ الأَوَاخِرِ،

فِيهِ عُبادَةُ.

2017. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ said, "Search for the night of *Qadr* in the odd nights of the last ten nights of Ramaḍān."

٢٠١٧ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعيدٍ: حدَّثَنا إسماعِيلُ بنُ جَعْفَرٍ: حدَّثَنا أَبو سُهَيْلٍ، عَنْ أَبيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «تَحَرَّوْا لَيْلَةَ القَدْرِ في الوِتْرِ مِنَ العَشْرِ

الأَوَاخِرِ مِنْ رَمَضَانَ». [انظر: ٢٠١٩، ٢٠٢٠]

٢٠١٨ - حَدَّثَنَا إِبْرَاهِيمُ بنُ حَمْزَةَ قَالَ: حَدَّثَنِي ابنُ أَبِي حَازِمٍ والدَّرَاوَرْدِيُّ، عَنْ يَزِيدَ، عَنْ مُحَمَّدِ بنِ إِبْرَاهِيمَ، عَنْ أَبي سَلَمَةَ، عَنْ أَبي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ قَالَ: كانَ رَسُولُ اللهِ ﷺ يُجاوِرُ فِي رَمَضَانَ العَشْرَ الَّتي في وَسَطِ الشَّهْرِ، فإِذَا كانَ حِينَ يُمْسِي مِنْ عِشْرِينَ لَيْلَةً تَمْضِي وَيَسْتَقْبِلُ إِحْدَى وعِشْرِينَ رَجَعَ إلى مَسْكَنِهِ، وَرَجَعَ مَنْ كانَ يُجاوِرُ مَعَهُ. وأَنَّهُ أَقامَ في شَهْرٍ جاوَرَ فِيهِ اللَّيْلَةَ الَّتي كانَ يَرْجِعُ فِيها فَخَطَبَ النَّاسَ فأَمَرَهُمْ ما شاءَ اللهُ ثُمَّ قَالَ: «كُنْتُ أُجاوِرُ هذِهِ العَشْرَ، ثُمَّ قَدْ بَدَا لِي أَنْ أُجاوِرَ هذِهِ العَشْرَ الأَوَاخِرَ، فَمَنْ كانَ اعْتَكَفَ مَعِي فَلْيَثْبُتْ في مُعْتَكَفِهِ، وقَدْ أُرِيتُ هذِهِ اللَّيْلَةَ ثُمَّ أُنْسِيتُها فابْتَغُوها في العَشْرِ الأَوَاخِرِ، وابْتَغُوها في كُلِّ وِتْرٍ، وقَدْ رَأَيْتُنِي أَسْجُدُ في ماءٍ وطِينٍ». فاسْتَهَلَّتِ السَّماءُ في تِلْكَ اللَّيْلَةِ فأَمْطَرَتْ فَوَكَفَ المَسْجِدُ في مُصَلَّى النَّبِيِّ ﷺ لَيْلَةَ إِحْدَى وعِشْرِينَ فَبَصُرَتْ عَيْنِي رَسُولَ اللهِ ﷺ ونَظَرْتُ إِلَيْهِ انْصَرَفَ مِنَ الصُّبْحِ ووَجْهُهُ مُمْتَلِئٌ طِيناً وماءً.

[راجع: ٦٦٩]

2018. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ used to practise *I'tikāf* (in the mosque) in the middle third of Ramaḍān, and after passing the twenty nights he used to go back to his house on the 21st, and the people who were in *I'tikāf* with him also used to go back to their houses. Once in Ramaḍān, in which he practised *I'tikāf*, he established the night *Ṣalāt* (prayers) at the night in which he used to return home, and then he addressed the people and ordered them whatever Allāh wished him to order and said, "I used to practise *I'tikāf* for these ten days (i.e., the middle 1/3rd) but now I intend to stay in *I'tikāf* for the last ten days (of the month); so whoever was in *I'tikāf* with me should stay at his place of seclusion. Verily, I have been shown (the date of) this night (of *Qadr*) but I have forgotten it. So, search for it in the odd nights of the last ten days (of this month). I also saw myself (in the dream) prostrating in mud and water." On the night of the 21st (of Ramaḍān), the sky was overcast with clouds and it rained, and the rain-water started leaking through the roof of the mosque at the *Muṣalla* (praying place) of the Prophet ﷺ. I saw with my own eyes the Prophet ﷺ at the completion of the morning *Ṣalāt* leaving with his face covered with mud and water.

[See H.No.2027].

2019. Narrated 'Āishah رَضِيَ الله عَنْهَا: The Prophet ﷺ said, "Look for (the night of *Qadr*)."

٢٠١٩ - وَحَدَّثَنَا مُحَمَّدُ بنُ المُثَنَّى: حدَّثَنا يَحْيى، عَنْ هِشامٍ قالَ: أَخْبَرَني أَبي، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهَا عَنِ النَّبِيِّ ﷺ قالَ: «التَمِسُوا». [راجع: ٢٠١٧]

2020. Narrated 'Āishah رَضِيَ الله عَنهـا: Allāh's Messenger ﷺ used to practise *I'tikāf* in the last ten nights of Ramaḍān and used to say, "Look for the night of *Qadr* in the last ten nights of the month of Ramaḍān."

٢٠٢٠ - وحدَّثني مُحَمَّدٌ: أَخْبرَنا عَبْدَةُ عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أَبيهِ، عَنْ عائِشَةَ، قالَتْ: كانَ رَسُولُ اللهِ ﷺ يُجاوِرُ في العَشْرِ الأَوَاخِرِ مِنْ رَمَضانَ ويقُولُ: «تَحَرَّوْا لَيْلَةَ القَدْرِ في العَشْرِ الأَوَاخِرِ مِنْ رَمَضانَ». [راجع: ٢٠١٧]

2021. Narrated Ibn 'Abbās رَضِيَ الله عَنْهُما: The Prophet ﷺ said, "Look for the night of *Qadr* in the last ten nights of Ramaḍān; on the night when nine or seven or five nights remain out of the last ten nights of Ramaḍān [i.e., 21, 23, 25, (27, 29) respectively]."

٢٠٢١ - حَدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثَنا وُهَيْبٌ: حدَّثَنا أَيُّوبُ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أَنَّ النَّبِيَّ ﷺ قالَ: «الْتَمِسُوها في العَشْرِ الأَوَاخِرِ مِنْ رَمَضانَ لَيْلَةَ القَدْرِ، في تاسِعَةٍ تَبْقَى، في سابِعَةٍ تَبْقَى، في خامِسَةٍ تَبْقَى». [انظر: ٢٠٢٢]

2022. Narrated Ibn 'Abbās رَضِيَ الله عَنْهُما: Allāh's Messenger ﷺ said, "The night of *Qadr* is in the last ten nights of the month (Ramaḍān), either in the first nine or in the last (remaining) seven nights (of Ramaḍān)." Ibn 'Abbās added, "Search for it on the twenty-fourth (of Ramaḍān)."

٢٠٢٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ أَبي الأَسْوَدِ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا عاصِمٌ، عَنْ أَبي مِجْلَزٍ وعِكْرِمَةَ قَالَا: قالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: قالَ رَسُولُ اللهِ ﷺ: «هيَ في العَشْرِ الأَوَاخِرِ، هِيَ في تِسْعٍ يَمْضِينَ، أَوْ في سَبْعٍ يَبْقَيْنَ»، يَعْني لَيْلَةَ الْقَدْرِ تَابَعَهُ عَبْدُ الوَهَّابِ، عَنْ أَيُّوبَ وعَنْ

خالِدٍ عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ: «الـتـمِـسُـوا فـي أرْبَـعٍ وعـشـرِيـنَ». [راجع: ٢٠٢١]

(4) CHAPTER. The knowing (knowledge) of the night of *Qadr* was taken away because of the quarrelling of the people.

(٤) بابُ رَفْعِ مَعْرِفَةِ لَيْلَةِ القَدْرِ لِتَلاحِي النَّاسِ

2023. Narrated 'Ubāda bin Aṣ-Ṣāmit: The Prophet ﷺ came out to inform us about the night of *Qadr* but two Muslims were quarrelling with each other. So, the Prophet ﷺ said, "I came out to inform you about the night of *Qadr* but such and such persons were quarrelling, so the news about it had been taken away; yet that might be for your own good, so search for it on the 29th, 27th and 25th (nights of Ramaḍān).

٢٠٢٣ - حَدَّثَنَا مُحَمَّدُ بنُ المُثَنَّى: حدَّثَنا خالِدُ بنُ الحَارِثِ: حدَّثَنا حُمَيْدٌ: حدَّثَنا أَنَسٌ، عَنْ عُبادَةَ بنِ الصَّامِتِ قالَ: خَرَجَ النَّبِيُّ ﷺ لِيُخْبِرَنا بِلَيْلَةِ القَدْرِ، فَتَلاحَى رَجُلانِ مِنَ المُسْلِمِينَ فَقالَ: «خَرَجْتُ لأُخْبِرَكُمْ بِلَيْلَةِ القَدرِ فَتَلاحَى فُلانٌ وفُلانٌ فَرُفِعَتْ وعَسَىٰ أَنْ يَكُونَ خَيراً لَكُمْ، فالتَمِسُوها في التَّاسِعَةِ والسَّابعةِ والخامِسَةِ». [راجع: ٤٩]

(5) CHAPTER. The doing of good deeds in the last ten days of Ramaḍān.

(٥) بابُ العَمَلِ في العَشْرِ الأَوَاخِرِ مِنْ رَمَضَانَ

2024. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: With the start of the last ten days of Ramaḍān, the Prophet ﷺ used to tighten his waist belt (i.e., work hard) and used to keep awake all the night and perform *Ṣalāt* (prayer) and also used to keep his family awake for the *Ṣalāt* (prayer).

٢٠٢٤ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا ابنُ عُيَيْنَةَ، عَنْ أَبي يَعْفُورٍ، عَنْ أَبي الضُّحَى، عَنْ مَسْرُوقٍ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ النَّبِيُّ ﷺ إذا دَخَلَ العَشْرُ شَدَّ مِئْزَرَهُ وأَحْيَى لَيْلَهُ وأَيْقَظَ أَهْلَهُ.

٣٣ - كتاب الاعتكاف

33 – THE BOOK OF *I'TIKĀF*
[i.e., to confine oneself in a mosque for *Ṣalāt* (prayers) and invocations leaving the worldy activities for a limited number of days].

(١) بابُ الاعْتِكافِ في العَشْرِ الأَوَاخِرِ،

والاعْتِكافِ في المَساجِدِ كُلِّها، لِقَوْلِهِ تَعالى: ﴿وَلَا تُبَٰشِرُوهُنَّ وَأَنتُمْ عَٰكِفُونَ فِى ٱلْمَسَٰجِدِ ۗ تِلْكَ حُدُودُ ٱللَّهِ فَلَا تَقْرَبُوهَا ۗ كَذَٰلِكَ يُبَيِّنُ ٱللَّهُ ءَايَٰتِهِۦ لِلنَّاسِ لَعَلَّهُمْ يَتَّقُونَ﴾ [البقرة: ١٨٧].

(1) CHAPTER. The *I'tikāf* in the last ten days of Ramaḍān. And *I'tikāf* may be practised in any mosque, as is evident in the Statement of Allāh تعالى: "... And do not have sexual relations with them (your wives); while you are in *I'tikāf* [i.e., confining oneself in a mosque for *Ṣalāt* (prayers) and invocations leaving the worldly activities for a limited number of days] in the mosques. These are the limits (set) by Allāh; so approach them not. Thus does Allāh make clear His *Ayāt* (proofs, evidences, verses, lessons, signs, revelations, laws, legal and illegal things Allāh's set limits, orders), to mankind that they may become *Al-Muttaqūn* (the pious)." (V.2:187)

٢٠٢٥ - حَدَّثَنَا إِسمَاعِيلُ بنُ عَبْدِ اللهِ قالَ: حدَّثني ابنُ وَهْبٍ: عَنْ يُونُسَ: أَنَّ نافعاً أَخْبرَهُ عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: كانَ رَسُولُ اللهِ ﷺ يَعْتَكِفُ العَشْرَ الأَوَاخِرَ مِنْ رَمَضَانَ.

2025. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ used to practise *I'tikāf* in the last ten days of the month of Ramaḍān.

٢٠٢٦ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهَا زَوْجِ النَّبيِّ ﷺ: أَنَّ النَّبيَّ ﷺ كانَ يَعْتَكِفُ العَشْرَ الأَوَاخِرَ مِنْ رَمَضانَ

2026. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا the wife of the Prophet ﷺ: The Prophet ﷺ used to practise *I'tikāf* in the last ten days of Ramaḍān till he died and then his wives used to practise *I'tikāf* after him.

حتّى تَوَفّاهُ اللهُ تَعالَى، ثُمَّ اعْتَكَفَ أَزْوَاجُهُ مِنْ بَعْدِهِ.

٢٠٢٧ - حَدَّثَنَا إسمَاعِيلُ قالَ: حدَّثَني مالكٌ، عَنْ يَزِيدَ بنِ عَبْدِ اللهِ بنِ الهَادِ، عَنْ مُحَمَّدِ بنِ إِبْرَاهِيمَ بنِ الحَارِثِ التَّيْمِيِّ، عَنْ أَبي سَلَمَةَ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ أَبي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ كانَ يَعْتَكِفُ في العَشْرِ الأَوْسَطِ مِنْ رَمَضانَ، فاعْتَكَفَ عاماً حتَّى إذَا كانَ لَيْلَةُ إِحْدَى وعِشْرِينَ وهِيَ اللَّيْلَةُ الَّتِي يَخْرُجُ مِنْ صَبِيحَتِها مِنِ اعْتِكافِهِ، قالَ: «مَنْ كانَ اعْتَكَفَ معي فَلْيَعْتَكِفِ العَشْرَ الأَوَاخِرَ، فَقَدْ أُرِيتُ هذِهِ اللَّيْلَةَ ثُمَّ أُنْسِيتُها، وقَدْ رَأَيْتُنِي أَسْجُدُ فِي ماءٍ وطِينٍ مِنْ صَبِيحَتِها، فالتَمِسُوها في العَشْرِ الأَوَاخِرِ، والتَمِسُوها في كُلِّ وِتْرٍ». فمَطَرَتِ السَّماءُ تِلْكَ اللَّيْلَةَ، وكانَ المَسْجِدُ عَلى عَرِيشٍ فَوَكَفَ المَسْجِدُ فَبَصُرَتْ عَيْناي رَسُولَ اللهِ ﷺ عَلى جَبْهَتِهِ أَثَرُ الماءِ والطِّينِ مِنْ صُبْحِ إِحْدَى وعِشْرِينَ. [راجع: ٦٦٩]

2027. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ used to practise *I'tikāf* in the middle ten days of Ramaḍān; and once he stayed in *I'tikāf* till the night of the twenty-first and it was the night in the morning of which he used to come out of his *I'tikāf*. The Prophet ﷺ said, "Whoever was in *I'tikāf* with me should stay in *I'tikāf* for the last ten days, for I was informed (of the date) of the Night (of *Qadr*) but I have been caused to forget it. (In the dream) I saw myself prostrating in mud and water in the morning of that night. So, look for it in the last ten nights and in the odd ones of them." It rained that night (i.e. the 21st of Ramaḍān) and the roof of the mosque dribbled as it was made of leaf stalks of date-palms. I saw with my own eyes the marks of mud and water on the forehead of the Prophet ﷺ, i.e., in the morning of the twenty-first (of Ramaḍān).

(٢) بابُ الحائِضِ تُرَجِّلُ رَأْسَ المُعْتَكِفِ

(2) CHAPTER. A menstruating woman is permitted to comb the hair of a *Mu'takif* (i.e., a man in *I'tikāf*).

٢٠٢٨ - حَدَّثَنا مُحَمَّدُ بنُ المُثَنَّى: حدَّثَنا يَحْيى، عَنْ هِشامٍ، قالَ: أَخْبَرَني أَبي، عَنْ عائِشَةَ رَضِيَ

2028. Narrated 'Āishah رَضِيَ اللهُ عَنْها: The Prophet ﷺ used to (put) bend his head (out) to me while he was in *I'tikāf* in the mosque during my monthly periods and I would comb and oil his hair.

اللهُ عَنْها قالَتْ: كانَ النَّبِيُّ ﷺ يُصْغِي إِلَيَّ رَأْسَهُ، وهُوَ مُجاوِرٌ في المَسْجِدِ فأُرَجِّلُهُ وأَنا حائِضٌ. [راجع: ٢٩٥]

(3) CHAPTER. (A *Mu'takif* is not (allowed) to enter the house except for a need.

(٣) **بابٌ لا يَدْخُلُ البَيْتَ إِلَّا لحاجَةٍ**

2029. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا, the wife of the Prophet ﷺ: Allāh's Messenger ﷺ used to let his head in (the house) while he was in the mosque and I would comb and oil his hair. When in *I'tikāf* he used not to enter the house except for a need.(1)

٢٠٢٩ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا لَيْثٌ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ وعَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ: أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْهَا زَوْجَ النَّبِيِّ ﷺ قالَتْ: وإِنْ كانَ رَسُولُ اللهِ ﷺ لَيُدْخِلُ عَلَيَّ رأسَهُ وهُوَ في المَسْجِدِ فأُرَجِّلُهُ، وكانَ لَا يَدْخُلُ البَيْتَ إِلَّا لحاجَةٍ إِذَا كانَ مُعْتَكِفاً. [انظر: ٢٠٣٣، ٢٠٣٤، ٢٠٤١، ٢٠٤٥]

(4) CHAPTER. The taking of a bath by a *Mu'takif*.

(٤) **بابٌ غَسْلِ المُعْتَكِفِ**

2030. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ used to embrace me during my menses.

٢٠٣٠ - حَدَّثَنا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا سُفْيانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الأَسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهَا قالَتْ: كانَ النَّبِيُّ ﷺ يُباشِرُني وأَنا حائِضٌ. [راجع: ٢٩٥]

2031. 'Āishah added: He ﷺ also used to put his head out of the mosque while he was in *I'tikāf*, and I would wash it during my menses.

٢٠٣١ - وكانَ يُخْرِجُ رَأْسَهُ مِنَ المَسْجِدِ وهُوَ مُعْتَكِفٌ فأَغْسِلُهُ وأَنا حائِضٌ. [راجع: ٢٩٥]

(5) CHAPTER. The *I'tikāf* at night (only).

(٥) **بابُ الاعْتِكافِ لَيْلاً**

2032. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: 'Umar رَضِيَ اللهُ عَنْهُ asked the Prophet ﷺ, "I vowed in the Pre-Islāmic Period of Ignorance

٢٠٣٢ - حَدَّثَنا مُسَدَّدٌ: حَدَّثَني يَحْيى بنُ سَعِيدٍ، عَنْ عُبَيْدِ اللهِ:

(1) (H.2029) Such need may be to answer the call of nature and performing ablution. Scholars differ as to whether it is permissible also for a *Mu'takif* to eat or drink outside the mosque. (*Fatḥ Al-Bārī*)

أَخْبرَني نافعٌ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ عُمَرَ سَأَلَ النَّبِيَّ ﷺ قالَ: كُنْتُ نَذَرْتُ في الجاهِلِيَّةِ أَنْ أَعْتَكِفَ لَيْلَةً في المَسْجِدِ الحَرامِ، قالَ: «أَوْفِ بِنَذْرِكَ». [انظر: ٢٠٤٣، ٣١٤٤، ٤٣٢٠، ٦٦٩٧]

to stay in *I'tikāf* for one night in Al-Masjid-al-Ḥarām." The Prophet ﷺ said to him, "Fulfil your vow."

(٦) بابُ اعْتِكافِ النِّساءِ

(6) CHAPTER. Women's *I'tikāf*. (A woman cannot practise *I'tikāf* except with the permission of her husband).

٢٠٣٣ - حَدَّثَنا أَبُو النُّعْمانِ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ: حدَّثَنا يَحْيى، عَنْ عَمْرَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ النَّبِيُّ ﷺ يَعْتَكِفُ في العَشْرِ الأَواخِرِ مِنْ رَمَضانَ، فَكُنْتُ أَضْرِبُ لَهُ خِباءً فَيُصلِّي الصُّبْحَ ثُمَّ يَدْخُلُهُ. فَاسْتَأْذَنَتْ حَفْصَةُ عائِشَةَ أَنْ تَضْرِبَ خِباءً فَأَذِنَتْ لَها فَضَرَبَتْ خِباءً. فَلَمَّا رَأَتْهُ زَيْنَبُ بِنْتُ جَحْشٍ ضَرَبَتْ خِباءً آخَرَ. فَلَمَّا أَصْبَحَ النَّبِيُّ ﷺ رَأَى الأَخْبِيَةَ فَقالَ: «ما هذا؟» فَأُخْبِرَ، فَقالَ النَّبِيُّ ﷺ: «آلبِرَّ تُرَوْنَ بِهِنَّ؟» فَتَرَكَ الاعْتِكافَ ذلكَ الشَّهْرَ، ثُمَّ اعْتَكَفَ عَشْراً مِنْ شَوَّالٍ. [راجع: ٢٠٢٩]

2033. Narrated 'Amra: 'Āishah رَضِيَ اللهُ عَنْهَا said, "The Prophet ﷺ used to practise *I'tikāf* in the last ten days of Ramaḍān and I used to pitch a tent for him, and after performing the morning *Ṣalāt* (prayer), he used to enter the tent." Ḥafṣa asked the permission of 'Āishah to pitch a tent for her and she allowed her and she pitched her tent. When Zainab bint Jaḥsh saw it, she pitched another tent. In the morning the Prophet ﷺ noticed the tents. He said, "What is this?" He was told of the whole situation. Then the Prophet ﷺ said, "Do you think that they intended to do *Al-Birr* (righteousness) by doing this?" He therefore abandoned the *I'tikāf* in that month and practised *I'tikāf* for ten days in the month of Shawwāl."

(٧) بابُ الأَخْبِيَةِ في المَسْجِدِ

(7) CHAPTER. The tents in the mosque.

٢٠٣٤ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبرَنا مالكٌ، عَنْ يَحْيى بنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ النَّبِيَّ

2034. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ intended to practise *I'tikāf* and when he reached the place where he intended to perform *I'tikāf*, he saw some tents, the tents of 'Āishah, Ḥafṣa and Zainab. So, he said, "Do you consider that they intended to

ﷺ أرَادَ أنْ يَعْتَكِفَ فَلَمَّا انْصَرَفَ إلى المَكانِ الَّذِي أرَادَ أنْ يَعْتَكِفَ. إذا أَخْبِيَةٌ، خِباءُ عائِشَةَ وخِباءُ حَفْصَةَ، وخِباءُ زَيْنَبَ، فَقالَ: «آلْبِرَّ تَقُولُونَ بِهِنَّ؟» ثُمَّ انْصَرَفَ فَلَمْ يَعْتَكِفْ حتَّى اعْتَكَفَ عَشْراً مِنْ شَوَّالٍ.

[راجع: ٢٠٢٩]

do *Al-Birr* (righteousness) by doing this?" And then he went away and did not perform *I'tikāf* (in Ramaḍān) but performed it in the month of Shawwāl for ten days.

(٨) بابٌ هَلْ يَخْرُجُ المُعْتَكِفُ لِحَوَائِجِهِ إلى بابِ المَسْجِدِ؟

(8) CHAPTER. Can a *Mu'takif* go to the gate of the mosque for a need?

٢٠٣٥ - **حَدَّثَنا** أبُو اليمانِ: أخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أخْبَرَنِي عَلِيُّ ابنُ الحُسَينِ رَضِيَ اللهُ عَنْهُما: أنَّ صَفِيَّةَ زَوْجَ النَّبِيِّ ﷺ أخْبَرَتْهُ أنَّها جاءَتْ إلى رَسُولِ اللهِ ﷺ تَزُورُهُ في اعْتِكافِهِ في المَسْجِدِ في العَشْرِ الأوَاخِرِ مِنْ رَمَضانَ، فَتَحَدَّثَتْ عِنْدَهُ ساعَةً ثُمَّ قامَتْ تَنْقَلِبُ، فَقامَ النَّبِيُّ ﷺ مَعَها يَقْلِبُها حتَّى إذا بَلَغَتْ بابَ المَسْجِدِ عِنْدَ بابِ أُمِّ سَلَمَةَ مَرَّ رَجُلانِ مِنَ الأنْصارِ فَسَلَّما عَلى رَسُولِ اللهِ ﷺ، فَقالَ لَهُما النَّبِيُّ ﷺ: «عَلى رِسْلِكُما، إنَّما هيَ صَفِيَّةُ بِنْتُ حُيَيٍّ»، فَقالا: سُبْحانَ اللهِ يا رَسُولَ اللهِ، وكَبُرَ عَلَيْهِما. فَقالَ النَّبِيُّ ﷺ: «إنَّ الشَّيْطانَ يَبْلُغُ مِنِ ابْنِ آدَمَ مَبْلَغَ الدَّمِ، وَإنِّي خَشِيتُ أنْ يَقْذِفَ في قُلُوبِكُما شَيْئاً». [انظر: ٢٠٣٨، ٢٠٣٩، ٣١٠١، ٣٢٨١، ٦٢١٩، ٧١٧١]

2035. Narrated 'Alī bin Al-Ḥusain رَضِيَ اللهُ عَنْهُما: Ṣafiyya رَضِيَ اللهُ عَنْها, the wife of the Prophet ﷺ told me that she went to Allāh's Messenger ﷺ to visit him in the mosque while he was in *I'tikāf* in the last ten days of Ramaḍān. She had a talk with him for a while, then she got up in order to return home. The Prophet ﷺ accompanied her. When they reached the gate of the mosque, opposite the door of Umm Salama, two *Anṣārī* men were passing by and they greeted Allāh's Messenger ﷺ. He said to them: "Do not run away!" And said, "She is (my wife) Ṣafiyya bint Ḥuyaī." Both of them said, "*Subḥān Allāh*, (How dare we think of any evil) O Allāh's Messenger." And they felt it. The Prophet ﷺ said (to them), "Satan reaches everywhere in the human body as blood reaches in it (everywhere in one's body). I was afraid lest Satan might insert an evil thought in your minds."

[See H.2038].

(9) CHAPTER. The *I'tikāf* and the coming of the Prophet ﷺ out of *I'tikāf* in the morning of the twentieth (of Ramaḍān).

2036. Narrated Abū Salama bin 'Abdur-Raḥmān: I asked Abū Sa'īd Al-Khudrī, "Did you hear Allāh's Messenger ﷺ talking about the night of *Qadr*?" He replied in the affirmative and said, "Once we were in *I'tikāf* with Allāh's Messenger ﷺ in the middle ten days of (Ramaḍān) and we came out of it in the morning of the twentieth, and Allāh's Messenger ﷺ delivered a *Khutbā* (religious talk) on the 20th (of Ramaḍān) and said, 'I was informed (of the date) of the night of *Qadr* (in my dream) but had forgotten it. So, look for it in the odd nights of the last ten nights of the month of Ramaḍān. I saw myself prostrating in mud and water on that night (as a sign of the night of *Qadr*). So, whoever had been in *I'tikāf* with Allāh's Messenger ﷺ should return for it.' The people returned to the mosque (for *I'tikāf*). There was no trace of clouds in the sky. But all of a sudden a cloud came and it rained. Then the *Ṣalāt* (prayer) was established (they stood for the *Ṣalāt*) and Allāh's Messenger ﷺ prostrated in mud and water and I saw mud over the forehead and the nose of the Prophet ﷺ."

(٩) بابُ الاعْتِكافِ وخُرُوجِ النَّبِيِّ ﷺ صَبِيحَةَ عِشْرِينَ

٢٠٣٦ - حَدَّثَني عَبْدُ اللهِ بنُ مُنِيرٍ: سَمِعَ هارُونَ بنَ إسماعِيلَ: حَدَّثَنا عَلِيٌّ ابنُ المُبارَكِ قالَ: حَدَّثَني يَحْيى بنُ أبي كَثِيرٍ قالَ: سَمِعْتُ أبا سَلَمَةَ بنَ عَبْدِ الرَّحْمٰنِ قالَ: سألْتُ أبا سَعِيدٍ الخُدْرِيَّ رضي الله عنه قُلْتُ: هَلْ سَمِعْتَ رَسُولَ اللهِ ﷺ يَذْكُرُ لَيْلَةَ القَدْرِ؟ قالَ: نَعَم، اعْتَكَفْنا مَعَ رَسُولِ اللهِ ﷺ العَشْرَ الأوْسَطَ مِنْ رَمَضانَ، قالَ: فَخَرَجْنا صَبِيحَةَ عِشْرِينَ، قالَ: فَخَطَبَنا رَسُولُ اللهِ ﷺ صَبِيحَةَ عِشْرِينَ فَقالَ: «إنِّي أُرِيتُ لَيْلَةَ القَدْرِ وإنِّي نُسِّيتُها، فالتَمِسُوها في العَشْرِ الأواخِرِ في وِتْرٍ فإنِّي رَأيتُ أنِّي أسجُدُ في ماءٍ وطِينٍ. ومَنْ كانَ اعْتَكَفَ مَعَ رَسُولِ اللهِ ﷺ فَلْيَرْجِعْ»، فَرَجَعَ النَّاسُ إلى المَسْجِدِ، وما نَرَى في السَّماءِ قَزَعةً، قالَ: فَجاءَتْ سَحابَةٌ فَمَطَرَتْ وأُقِيمَتِ الصَّلاةُ فَسَجَدَ رَسُولُ اللهِ ﷺ في الطِّينِ والمَاءِ، حتَّى رَأيْتُ الطِّينَ في أرْنَبَتِهِ وجَبْهَتِهِ. [راجع: ٦٦٩]

(10) CHAPTER. The *I'tikāf* of a (*Mustaḥāḍa*) woman who has bleeding in between her periods.

(١٠) بابُ اعْتِكافِ المُسْتَحاضَةِ

2037. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: One of the wives of Allāh's Messenger ﷺ practised *I'tikāf* with him while she had

٢٠٣٧ - حَدَّثَنا قُتَيْبَةُ: حَدَّثَنا يَزِيدُ ابنُ زُرَيْعٍ، عَنْ خالِدٍ، عَنْ

عِكْرِمَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: اعْتَكَفَتْ مَعَ رَسُولِ اللهِ ﷺ امْرَأَةٌ مُسْتَحاضَةٌ مِنْ أَزْوَاجِهِ فَكانَتْ تَرَى الحُمْرَةَ والصُّفْرَةَ، فَرُبَّما وضَعْنا الطَّسْتَ تَحْتَها وهيَ تُصَلِّي.

[راجع: ٣٠٩]

bleeding in between her periods and she would see red (of blood) or yellowish traces; and sometimes we put a tray beneath her when she offered the *Ṣalāt* (prayer).

[See H.No.309].

(١١) بابُ زِيارَةِ المَرْأَةِ زَوْجَها في اعْتِكافِهِ

(11) CHAPTER. The visit of the wife to her husband while he was in *I'tikāf*.

٢٠٣٨ - حَدَّثَنا سَعِيدُ بنُ عُفَيْرٍ قالَ: حدَّثَني اللَّيْثُ قالَ: حدَّثَني عَبْدُ الرَّحْمٰنِ ابنُ خالِدٍ، عَنِ ابنِ شِهابٍ، عَنْ عَلِيِّ بنِ الحُسَينِ: أَنَّ صَفِيَّةَ زَوْجَ النَّبِيِّ ﷺ أَخْبَرَتْهُ ح. وَحَدَّثَني عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا هِشامُ بنُ يُوسُفَ: أَخْبَرَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عَلِيِّ بنِ حُسَينٍ: كانَ النَّبِيُّ ﷺ في المَسْجِدِ وعِنْدَهُ أَزْوَاجُهُ فَرُحْنَ. فَقالَ لِصَفِيَّةَ بِنْتِ حُيَيٍّ: «لا تَعْجَلِي حَتَّى أَنْصَرِفَ مَعَكِ»، وكانَ بَيْتُها في دارِ أُسامَةَ. فَخَرَجَ النَّبِيُّ ﷺ مَعَها فَلَقِيَهُ رَجُلانِ مِنَ الأَنْصارِ فَنَظَرا إلى النَّبِيِّ ﷺ ثُمَّ أَجازَا. فَقالَ لَهُما النَّبِيُّ ﷺ: «تَعالَيا، إِنَّها صَفِيَّةُ بِنْتُ حُيَيٍّ» فَقالا: سُبْحانَ اللهِ يا رَسُولَ اللهِ. قالَ: «إِنَّ الشَّيْطانَ يَجْرِي مِنَ الإِنْسانِ مَجْرَى الدَّمِ، وإِنِّي خَشِيتُ أَنْ يُلْقِيَ في أَنْفُسِكُما شَيْئاً». [راجع: ٢٠٣٥]

2038. Narrated 'Alī bin Al-Ḥusain (on the authority of Ṣafiyya, the Prophet's wife): The wives of the Prophet ﷺ were with him in the mosque (while he was in *I'tikāf*) and then they departed and the Prophet ﷺ said to Ṣafiyya bint Ḥuyaī, "Don't hurry up, for I shall accompany you," (and her dwelling was in the house of Usāma). The Prophet ﷺ went out and in the meantime two *Anṣārī* men met him and they looked at the Prophet ﷺ and passed by. The Prophet ﷺ said to them, "Come here. She is (my wife) Ṣafiyya bint Ḥuyaī." They replied, "*Subḥān Allāh*, (how dare we think of evil) O Allāh's Messenger! (We never expect anything bad from you)." The Prophet ﷺ replied, "Satan circulates in the human being as blood circulates in the body, and I was afraid lest Satan might insert an evil thought in your minds."

(12) CHAPTER. Is it permissible for the *Mu'takif* to defend himself (by speech or action)?

(١٢) بابٌ: هَلْ يَدْرَأُ المُعْتَكِفُ عَنْ نَفْسِهِ؟

2039. Narrated 'Alī bin Al-Ḥusain on the authority of Ṣafīyya: Ṣafīyya went to the Prophet ﷺ while he was in *I'tikāf*. When she returned, the Prophet ﷺ accompanied her, walking. An *Anṣārī* man saw him. When the Prophet ﷺ noticed him, he called him and said, "Come here. She is Ṣafīyya. (Sufyān a subnarrator perhaps said that the Prophet ﷺ had said, "This is Ṣafīyya"). And Satan circulates in the body of Ādam's offspring as his blood circulates in it."

A subnarrator asked Sufyān, "Did Ṣafīyya visit him at night?" He said, "Certainly, at night."

٢٠٣٩ - حَدَّثَنَا إسمَاعِيلُ بنُ عَبدِ اللهِ قالَ: أَخبرَني أَخِي عَنْ سُلَيمانَ، عَنْ مُحَمَّدِ ابنِ أَبي عَتِيقٍ، عَنِ الزُّهْرِيِّ، عَنْ عَلِيِّ بنِ حُسَيْنٍ رَضِيَ اللهُ عَنْهُما: أَنَّ صَفِيَّةَ أَخبرَتْهُ ح. وَحدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ حدَّثَنا سُفْيانُ قالَ: سَمِعْتُ الزُّهْرِيَّ يُخْبِرُ عَنْ عَلِيِّ بنِ حُسَيْنٍ: أَنَّ صَفِيَّةَ رَضِيَ اللهُ عَنْهَا أَتَتِ النَّبِيَّ ﷺ وَهُوَ مُعْتَكِفٌ، فَلَمَّا رَجَعَتْ مَشَى مَعَها فأَبْصَرَهُ رَجُلٌ مِنَ الأَنْصارِ فَلَمَّا أَبْصَرَهُ دَعاهُ فَقالَ: «تَعالَ، هيَ صَفِيَّةُ». وَرُبَّما قالَ سُفْيانُ: «هذِهِ صَفِيَّةُ فإنَّ الشَّيْطانَ يَجْري مِنِ ابنِ آدَمَ مَجْرَى الدَّمِ». قُلْتُ لِسُفْيانَ: أَتَتْهُ لَيْلاً؟ قالَ: وَهَلْ هُوَ إلَّا لَيْلاً؟ [راجع: ٢٠٣٥]

(13) CHAPTER. Whoever went out of his *I'tikāf* in the morning.

(١٣) بابُ مَنْ خَرَجَ مِنِ اعْتِكافِهِ عِنْدَ الصُّبْحِ

2040. Narrated Abū Sa'īd رَضِيَ اللهُ عَنْهُ: We practised *I'tikāf* with Allāh's Messenger ﷺ in the middle ten days of Ramaḍān. In the morning of the twentieth of Ramaḍān we shifted our baggage, but Allāh's Messenger ﷺ came to us and said, "Whoever was in *I'tikāf* should return to his place of *I'tikāf*, for I saw (i.e., was informed about the date of) this Night (of *Qadr*) and saw myself prostrating in mud and water." When I returned to my place the sky was overcast with clouds and it rained. By Him Who sent

٢٠٤٠ - حَدَّثَنا عَبْدُ الرَّحْمٰنِ بنُ بِشْرٍ: حدَّثَنا سُفْيانُ، عَنِ ابنِ جُرَيْجٍ، عَنْ سُلَيْمانَ الأَحْوَلِ خالِ ابنِ أَبي نَجيحٍ، عَنْ أَبي سَلَمَةَ، عَنْ أَبي سَعِيدٍ ح. قالَ سُفْيانُ: وحدَّثَنا مُحَمَّدُ بنُ عَمْرٍو، عَنْ أَبي سَلَمَةَ، عَنْ أَبي سَعِيدٍ قالَ: وأَظُنُّ أَنَّ ابنَ أَبي لَبِيدٍ حدَّثَنا عَنْ أَبي سَلَمَةَ، عَنْ أَبي سَعِيدٍ

Muḥammad ﷺ with the Truth, the sky was covered with clouds from the end of that day, and the mosque which was roofed with leafstalks of date-palm trees leaked with rain and I saw the trace of mud and water over the nose and also over the tip of the nose of the Prophet ﷺ.

قالَ: اعْتَكَفْنا مَعَ رَسُولِ اللهِ ﷺ العَشْرَ الأَوْسَطَ فَلَمَّا كانَ صَبِيحَةَ عِشْرِينَ نَقَلْنا مَتاعَنا فأَتانا رَسُولُ اللهِ ﷺ فَقالَ: «مَنْ كانَ اعْتكَفَ فَلْيَرْجِعْ إلى مُعْتَكَفِهِ فإنِّي رَأيْتُ هذِهِ اللَّيْلَةَ ورأيْتُني أَسْجُدُ في ماءٍ وطِينٍ». فَلَمَّا رَجَعَ إلى مُعْتَكَفِهِ قَالَ وهاجَتِ السَّماءُ فمُطِرْنا فَوالَّذِي بَعَثَهُ بالحَقِّ لَقَدْ هاجَتِ السَّماءُ مِنْ آخِرِ ذلكَ اليَوْمِ وكانَ المَسْجِدُ عَرِيشاً فَلَقَدْ رَأيْتُ عَلى أَنْفِهِ وأَرْنَبَتِهِ أَثَرَ المَاءِ والطِّينِ.

[راجع: ٦٦٩]

(14) CHAPTER. *I'tikāf* in the month of Shawwāl.

(١٤) بابُ الاعْتِكافِ في شَوَّالٍ

2041. Narrated 'Amra bint 'Abdur-Raḥmān on the authority of 'Āishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ used to practise *I'tikāf* every year in the month of Ramaḍān. And after offering the morning *Ṣalāt* (prayer), he used to enter the place of his *I'tikāf*. 'Āishah asked his permission to let her practise *I'tikāf* and he allowed her, and so she pitched a tent in the mosque. When Ḥafṣa heard of that, she also pitched a tent (for herself), and when Zainab heard of that, she too pitched another tent. When, in the morning, Allāh's Messenger ﷺ had finished the morning *Ṣalāt* (prayer), he saw four tents and asked, "What is this?" He was informed about it. He then said, "What made them do this? Is it *Al-Birr* (righteousness)? Remove the tents, for I do not want to see them." So, the tents were removed. The Prophet ﷺ did not perform *I'tikāf* that year in the month of Ramaḍān, but did it in the last ten days of Shawwāl.

٢٠٤١ - حَدَّثَنَا مُحَمَّدٌ: أَخبرنا مُحَمَّدُ بنُ فُضَيْلِ بنِ غَزْوَانَ، عَنْ يَحْيى ابنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهَا قالَتْ: كانَ رَسُولُ اللهِ ﷺ يَعْتَكِفُ في كُلِّ رَمَضانَ فإذا صَلَّى الغَدَاةَ دَخَلَ مَكانَهُ الَّذي اعْتَكَفَ فِيهِ. قالَ: فاسْتَأْذَنَتْهُ عائِشَةُ أَنْ تَعْتَكِفَ فأَذِنَ لَها، فَضَرَبَتْ فِيهِ قُبَّةً. فَسَمِعَتْ بِها حَفْصَةُ فَضَرَبَتْ قُبَّةً، وسَمِعَتْ زَيْنَبُ بِها فَضَرَبَتْ قُبَّةً أُخْرَى. فَلَمَّا انْصَرَفَ رَسُولُ اللهِ ﷺ مِنَ الغَدِ أَبْصَرَ أَرْبَعَ قِبابٍ فَقالَ: «ما هذا؟» فأُخْبِرَ خَبَرَهُنَّ فَقالَ: «مَا حَمَلَهُنَّ عَلى هذا؟ آلبِرُّ؟

انْزِعُوها فَلا أَرَاها»، فَنُزِعَتْ. فَلَمْ يَعْتَكِفْ في رَمَضَانَ حتَّى اعْتَكَفَ في آخِرِ العَشْرِ مِنْ شَوَّالٍ». [راجع: ٢٠٣٩]

(15) CHAPTER. Whoever thinks that *I'tikāf* can be practised without fasting.

(١٥) بابٌ مَنْ لَمْ يَرَ عَلَيْهِ إذا اعْتَكَفَ صَوْماً

2042. Narrated 'Abdullāh bin 'Umar: 'Umar bin Al-Khaṭṭāb رَضِيَ الله عَنْهُ said, "O Allāh's Messenger, I vowed in the Pre-Islāmic Period of Ignorance to perform *I'tikāf* in Al-Masjid-al-Harām for one night." The Prophet ﷺ said, "Fulfil your vow." So, he performed *I'tikāf* for one night.

٢٠٤٢ - حَدَّثَنَا إِسمَاعِيلُ بنُ عَبْدِ اللهِ، عَنْ أَخِيهِ، عَنْ سُلَيمانَ، عَنْ عُبَيْدِ اللهِ بنِ عُمَرَ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ، عَنْ عُمَرَ بنِ الخَطَّابِ رَضِيَ اللهُ عَنْهُ أَنَّهُ قالَ: يا رَسُولَ اللهِ إنِّي نَذَرْتُ في الجَاهِلِيَّةِ أَنْ أَعْتَكِفَ لَيْلَةً في المَسْجِدِ الحَرَامِ، فَقالَ لَهُ النَّبِيُّ ﷺ: «أَوْفِ نَذْرَكَ»، فاعْتَكَفَ لَيْلَةً.

(16) CHAPTER. Whoever made a vow in the Pre-Islāmic Period of Ignorance to perform *I'tikāf* and then embraced Islām.

(١٦) بابٌ: إذَا نَذَرَ في الجاهِلِيَّةِ أَنْ يَعْتَكِفَ ثُمَّ أَسْلَمَ

2043. Narrated Ibn 'Umar that 'Umar رَضِيَ الله عَنْهُ had vowed in the Pre-Islāmic Period of Ignorance to perform *I'tikāf* in Al-Masjid-al-Ḥarām. (A sub-narrator thinks that 'Umar vowed to perform *I'tikāf* for one night.) Allāh's Messenger ﷺ said to 'Umar, "Fulfil your vow."

٢٠٤٣ - حَدَّثَنَا عُبَيْدُ بنُ إسمَاعِيلَ: حدَّثنا أَبُو أُسامَةَ، عَنْ عُبَيْدِ اللهِ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ: أَنَّ عُمَرَ رَضِيَ اللهُ عَنْهُ نَذَرَ في الجاهِلِيَّةِ أَنْ يَعْتَكِفَ في المَسْجِدِ الحَرَامِ، قالَ: أُرَاهُ لَيْلَةً. فَقالَ لَهُ رَسُولُ اللهِ ﷺ: «أَوْفِ بِنَذْرِكَ».

[راجع: ٢٠٣٢]

(17) CHAPTER. *I'tikāf* in the middle ten days of Ramaḍān.

(١٧) بابُ الاعْتِكافِ في العَشْرِ الأَوْسَطِ مِنْ رَمَضَانَ

2044. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ used to perform *I'tikāf* every year in the month of Ramaḍān for ten days,

٢٠٤٤ - حَدَّثَنَا عَبْدُ اللهِ بنُ أَبي شَيْبَةَ قالَ: حدَّثنا أَبُو بَكْرٍ، عَنْ أَبي

and when it was the year of his death, he stayed in *I'tikāf* for twenty days.

حَصِينٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: كانَ النَّبِيُّ ﷺ يَعْتَكِفُ في كُلِّ رَمَضانَ عَشَرَةَ أَيَّامٍ، فَلَمَّا كانَ العامُ الَّذي قُبِضَ فيهِ اعْتَكَفَ عِشْرِينَ يَوْماً.

(18) CHAPTER. Whoever intended to practise *I'tikāf* and then changed his mind.

(١٨) بابٌ مَنْ أَرادَ أَنْ يَعْتَكِفَ ثُمَّ بَدا لَهُ أَنْ يَخْرُجَ

2045. Narrated 'Amra bint 'Abdur-Raḥmān on the authority of 'Āishah رَضِيَ الله عَنْهَا: Allāh's Messenger ﷺ mentioned that he would practise *I'tikāf* in the last ten days of Ramaḍān. 'Āishah asked his permission to perform *I'tikāf* and he permitted her. Ḥafṣa asked 'Āishah to take his permission for her, and she did so. When Zainab bint Jaḥsh saw that, she ordered a tent to be pitched for her and it was pitched for her. Allāh's Messenger ﷺ used to proceed to his tent after the *Ṣalāt* (prayer). So, he saw the tents and asked, "What is this?" He was told that those were the tents of 'Āishah, Ḥafṣa and Zainab. Allāh's Messenger ﷺ said, "Is it *Al-Birr* (righteousness) which they intended by doing so? I am not going to perform *I'tikāf*." So, he returned home. When the fasting month was over, he performed *I'tikāf* for ten days in the month of Shawwāl.

٢٠٤٥ - حَدَّثَنا مُحَمَّدُ بنُ مُقاتِلٍ أَبُو الحَسَنِ: أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا الأَوْزاعِيُّ قالَ: حَدَّثَني يَحْيى بنُ سَعِيدٍ قالَ: حَدَّثَتْني عَمْرَةُ بِنْتُ عَبْدِ الرَّحْمٰنِ؛ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ رَسُولَ اللهِ ﷺ ذَكَرَ أَنْ يَعْتَكِفَ العَشْرَ الأَواخِرَ مِنْ رَمَضانَ، فاسْتَأْذَنَتْهُ عائِشَةُ فَأَذِنَ لَها. وسَأَلَتْ حَفْصَةُ عائِشَةَ أَنْ تَسْتَأْذِنَ لَها فَفَعَلَتْ، فَلَمَّا رَأَتْ ذلِكَ زَيْنَبُ بِنْتُ جَحْشٍ أَمَرَتْ بِبِناءٍ فَبُنِيَ لَها. قالَتْ: وكانَ رَسُولُ اللهِ ﷺ إِذا صَلَّى انْصَرَفَ إِلى بِنائِهِ فَأَبْصَرَ الأَبْنِيَةَ فَقالَ: «ما هذا؟» قالُوا: بِناءُ عائِشَةَ وحَفْصَةَ وزَيْنَبَ، فَقالَ رَسُولُ اللهِ ﷺ: «آلْبِرَّ أَرَدْنَ بِهٰذا؟ ما أَنا بِمُعْتَكِفٍ»، فَرَجَعَ. فَلَمَّا أَفْطَرَ اعْتَكَفَ عَشْراً مِنْ شَوَّالٍ.

[راجع: ٢٠٢٩]

(19) CHAPTER. A *Mu'takif* can let his head in the house for washing.

(١٩) بابٌ المُعْتَكِفِ يُدْخِلُ رَأْسَهُ البَيْتَ لِلغُسْلِ

2046. Narrated 'Urwa: 'Āishah رَضِيَ الله عَنْهَا during her menses used to comb and oil the

٢٠٤٦ - حَدَّثَنا عَبْدُ اللهِ بنُ

مُحَمَّدٍ: حدَّثَنا هِشامُ بنُ يُوسُفَ أخْبرَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهَا: أَنَّها كانَتْ تُرَجِّلُ النَّبِيَّ ﷺ وهيَ حَائِضٌ وهُوَ مُعْتَكِفٌ في المَسْجِدِ وهيَ في حُجْرَتِها يُناوِلُها رَأْسَهُ.

[راجع: ٢٩٥]

hair of the Prophet ﷺ while he used to be in *I'tikāf* in the mosque. He would stretch out his head towards her while she was in her chamber.

34 – THE BOOK OF SALES (BARGAINS)

And the Statement of Allāh تعالى:

"... And Allāh has permitted trading and forbidden *Ribā* (usury)..." (V.2:275)

And His Statement: -"... save when it is a present trade which you carry out on the spot among yourselves..." (V.2:282)

(1) CHAPTER. What has come in the Statement of Allāh تعالى:

"Then when the *(Jumu'ah) Ṣalāt* is ended, you may disperse through the land, and seek of the Bounty of Allāh.... And Allah is the Best of Providers." (V.62:10,11)

And also His Statement: "Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent..." (V.4:29)

2047. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: You people say that Abū Hurairah tells many narrations from Allāh's Messenger ﷺ and you also wonder why the emigrants and *Anṣār* do not narrate from Allāh's Messenger ﷺ as Abū Hurairah does. My emigrant brothers were busy in the market, while I used to stick to Allāh's Messenger ﷺ content with what fills my stomach; so I used to be present when they were absent and I used to remember when they used to forget, and my *Anṣārī* brothers used to be busy with their properties and I was one of the poor men of *Ṣuffa*. I used to remember the narrations when they used to forget. No doubt, Allāh's Messenger ﷺ once said, "Whoever spreads his garment till I have finished my present speech and then gathers it to himself, will remember whatever I will say." So, I spread my coloured garment which I was wearing till Allāh's Messenger ﷺ had finished his saying, and then I gathered it to my chest. So, I did not forget any of that narration.

٣٤ - كتاب البيوع

وقولُ اللهِ تَعَالَى: ﴿وَأَحَلَّ ٱللَّهُ ٱلْبَيْعَ وَحَرَّمَ ٱلرِّبَوٰا۟﴾ [البقرة: ٢٧٥] وقَوْلُهُ: ﴿إِلَّآ أَن تَكُونَ تِجَـٰرَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ﴾ [البقرة: ٢٨٢].

(١) بابٌ ما جاءَ في قَوْلِ اللهِ عَزَّ وَجلَّ: ﴿فَإِذَا قُضِيَتِ ٱلصَّلَوٰةُ فَٱنتَشِرُوا۟ فِى ٱلْأَرْضِ وَٱبْتَغُوا۟ مِن فَضْلِ ٱللَّهِ﴾ إلى آخِرِ السُّورَةِ [الجمعة: ١٠ - ١١]. وقَولِهِ: ﴿لَا تَأْكُلُوٓا۟ أَمْوَٰلَكُم بَيْنَكُم بِٱلْبَـٰطِلِ إِلَّآ أَن تَكُونَ تِجَـٰرَةً عَن تَرَاضٍ مِّنكُمْ﴾ [النساء: ٢٩]

٢٠٤٧ - حَدَّثنا أبُو اليمانِ قَالَ: حدَّثَنا شُعَيْبٌ عَنِ الزُّهْرِيِّ قالَ: أَخْبرَني سَعِيدُ بنُ المُسَيَّبِ وأبُو سَلَمَةَ بنُ عَبْدِ الرَّحْمٰنِ: أنَّ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: إنَّكُمْ تَقُولُونَ: إنَّ أبا هُرَيْرَةَ يُكْثِرُ الحَدِيثَ عَنْ رَسُولِ اللهِ ﷺ، وتَقُولُونَ: ما بالُ المُهاجِرينَ والأنْصارِ لا يُحَدِّثُونَ عَنْ رَسُولِ اللهِ ﷺ بِمِثْلِ حَدِيثِ أبي هُرَيْرَةَ؟ وإنَّ إخْوَتي مِنَ المُهاجِرِينَ كانَ يَشْغَلُهُمُ الصَّفْقُ بالأَسْوَاقِ، وكُنْتُ أَلْزَمُ رَسُولَ اللهِ ﷺ على مِلءِ بَطْني، فأَشْهَدُ إذَا غابُوا، وأَحفَظُ إذَا نَسُوا. وكانَ يَشْغَلُ إخْوَتي مِنَ الأنْصارِ عَمَلُ أَمْوَالِهِمْ وكُنْتُ امْرَءاً مِسْكِيناً مِنْ

مساكِينِ الصُّفَّةِ، أَعِي حِينَ يَنْسَوْنَ. وقَدْ قالَ رَسُولُ اللهِ ﷺ في حدِيثٍ يُحَدِّثُهُ: «إنَّهُ لَنْ يَبْسُطَ أحَدٌ ثَوْبَهُ حتَّى أَقْضِيَ مَقالَتِي هذِهِ ثُمَّ يَجْمَعَ إلَيْهِ ثَوْبَهُ إلَّا وَعَى مَا أقُولُ» فَبَسَطْتُ نَمِرَةً عَلَيَّ حَتَّى إذَا قَضَى رَسُولُ اللهِ ﷺ مَقالَتَهُ جمَعْتُها إلى صَدْرِي فمَا نَسِيتُ مِنْ مَقالَةِ رَسُولِ اللهِ ﷺ تِلْكَ مِنْ شَيْءٍ.

[راجع: ١١٨]

٢٠٤٨ - حَدَّثَنَا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ: حدَّثَنا إبْراهِيمُ بنُ سَعْدٍ، عَنْ أبِيهِ عَنْ جَدِّهِ، قالَ: قالَ عَبْدُ الرَّحْمٰنِ بنُ عَوْفٍ رَضِيَ اللهُ عَنْهُ: لَمَّا قَدِمْنا المَدِينَةَ آخَى رَسُولُ اللهِ ﷺ بَيْنِي وبَينَ سَعْدِ بنِ الرَّبيعِ، فَقالَ سَعْدُ بنُ الرَّبيعِ: إنِّي أكْثَرُ الأنْصارِ مالاً فأَقْسِمُ لكَ نِصْفَ مَالي، وانْظُرْ أيَّ زَوْجَتَيَّ هَوِيتَ نَزَلْتُ لكَ عَنْها، فإذَا حَلَّتْ تَزَوَّجْتَها. قالَ: فَقالَ لَهُ عَبْدُ الرَّحْمٰنِ: لا حاجَةَ لِي في ذلكَ، هَلْ مِنْ سُوقٍ فِيهِ تِجارَةٌ؟ قالَ: سُوقُ قَيْنُقاعٍ. قالَ: فَغَدَا إلَيْهِ عَبْدُ الرَّحْمٰنِ فأَتَى بأَقِطٍ وسَمْنٍ، قالَ: ثُمَّ تابَعَ الغُدُوَّ فمَا لَبِثَ أنْ جاءَ عَبْدُ الرَّحْمٰنِ عَلَيْهِ أثَرُ صُفْرَةٍ. فَقالَ رَسُولُ اللهِ ﷺ: «تَزَوَّجْتَ؟» قالَ: نَعَمْ، قالَ: «ومَنْ؟» قالَ: امْرَأةً مِنَ الأنْصارِ. قالَ: «كَمْ سُقْتَ؟» قالَ: زِنَةَ نَوَاةٍ مِنْ

2048. Narrated 'Abdur-Raḥmān bin 'Aūf رَضِيَ اللهُ عَنْهُ : When we came to Al-Madīna as emigrants, Allāh's Messenger ﷺ established a bond of brotherhood between me and Sa'd bin Ar-Rabī'. Sa'd bin Ar-Rabī' said to me, "I am the richest among the *Anṣār*, so I will give you half of my wealth and you may look at my two wives and whichever of the two you may choose I will divorce her, and when she has completed the prescribed period (before marriage) you may marry her." 'Abdur-Raḥmān replied, "I am not in need of all that. Is there any market-place where trade is practised?" He replied, "The market of Qainuqā'." 'Abdur-Raḥmān went to that market the following day and brought some dried butter-milk (yoghurt) and butter, and then he continued going there regularly. Few days later, 'Abdur-Raḥmān came having traces of yellow (scent) on his body. Allāh's Messenger ﷺ asked him whether he had got married. He replied in the affirmative. The Prophet ﷺ said, "Whom have you married?" He replied, "A woman from the *Anṣār*." Then the Prophet ﷺ asked, "How much did you pay her?" He replied, "(I gave her) a gold piece equal in weight to a date stone (or a date stone of gold)!" The Prophet ﷺ said, "Give a *Walīma* (wedding banquet)

ذَهَبٍ أَوْ نَوَاةً مِنْ ذَهَبٍ. فَقالَ لَهُ النَّبِيُّ ﷺ: «أَوْلِمْ ولَوْ بِشاةٍ».

[انظر: ٣٧٨٠]

even if with one sheep."

٢٠٤٩ - حَدَّثَنا أحْمَدُ بنُ يُونُسَ: حدَّثَنا زُهَيْرٌ: حدَّثَنا حُمَيْدٌ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: قَدِمَ عَبْدُ الرَّحمنِ بنُ عَوفٍ المَدِينَةَ فآخَى النَّبِيُّ ﷺ بَيْنَهُ وبَيْنَ سَعْدِ بنِ الرَّبِيعِ الأَنْصارِيِّ، وكانَ سَعْدٌ ذَا غِنًى فَقالَ لِعَبْدِ الرَّحْمٰنِ: أُقاسِمُكَ مالي نِصْفَينِ، وأُزَوِّجُكَ. قالَ: بارَكَ اللهُ لكَ في أَهْلِكَ ومَالِكَ، دُلُّوني عَلى السُّوقِ. فما رَجَعَ حتَّى اسْتَفْضَلَ أَقِطاً وسَمْناً فأَتى بِهِ أَهْلَ مَنزِلِهِ فمَكَثْنا يَسِيراً أَو ما شاءَ اللهُ فَجاءَ وعَلَيْهِ وَضَرٌ مِنْ صُفْرَةٍ، فَقالَ لَهُ النَّبِيُّ ﷺ: «مَهْيَمْ؟»، قالَ: يا رَسُولَ اللهِ، تَزَوَّجْتُ امْرَأَةً مِنَ الأَنْصارِ. قالَ: «مَا سُقْتَ إِليها؟» قالَ: نَوَاةً مِنْ ذَهَبٍ أَوْ وَزْنَ نَواةٍ مِنْ ذَهَبٍ، قالَ: «أَوْلِمْ ولَو بِشاةٍ».

[انظر: ٢٢٩٣، ٣٧٨١، ٣٩٣٧، ٥٠٧٢، ٥١٤٨، ٥١٥٣، ٥١٥٥، ٥١٦٧، ٦٠٨٢، ٦٣٨٦]

2049. Narrated Anas رَضِيَ اللهُ عَنْهُ: When 'Abdur-Raḥmān bin 'Aūf came to Al-Madīna, the Prophet ﷺ established a bond of brotherhood between him and Sa'd bin Ar-Rabī' Al-Anṣārī. Sa'd was a rich man, so he said to 'Abdur-Raḥmān, "I will give you half of my property and will make you to marry." 'Abdur-Raḥmān said (to him), "May Allāh bless you in your family and property. Show me the market." So 'Abdur-Raḥmān did not return (from the market) till he gained some dried buttermilk (yoghurt) and butter (through trading). He brought that to his household. We stayed for sometime (or as long as Allāh wished), and then 'Abdur-Raḥmān came, scented with yellowish perfume. The Prophet ﷺ said (to him), "What is this?" He replied, "I got married to an *Anṣārī* woman." The Prophet ﷺ asked, "What did you pay her?" He replied, "A gold stone or gold equal to the weight of a date stone." The Prophet ﷺ said (to him), "Give a *Walīma* (wedding banquet) even if with one sheep."

٢٠٥٠ - حدَّثني عَبْدُ اللهِ بنُ مُحَمَّدٍ، حدَّثَنا سُفْيانُ، عَنْ عَمْرٍو، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: كانَتْ عُكاظٌ ومَجَنَّةُ وذُو المجازِ أَسْوَاقاً في الجاهِلِيَّةِ، فَلَمَّا كان

2050. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: 'Ukāz, Majanna and Dhul-Majāz were market-places in the Pre-Islāmic Period of Ignorance. When Islām came, Muslims felt that in trading there might be a sin. So, the Divine Revelation came:

"There is no sin on you if you seek the Bounty of your Lord (during pilgrimage by

الإسْلامُ فَكَأَنَّهُمْ تأَثَّمُوا فِيهِ فَنَزَلَتْ: ﴿لَيْسَ عَلَيْكُمْ جُنَاحٌ أَن تَبْتَغُوا فَضْلًا مِّن رَّبِّكُمْ﴾ في مَوَاسِمِ الحَجِّ. قَرَأَها ابنُ عَبَّاس.

[راجع: ١٧٧٠]

trading)..." (V.2:198)

Ibn 'Abbās recited the Verse in this way.

(٢) بابٌ: الحَلالُ بَيِّنٌ، والحَرَامُ بَيِّنٌ، وبَيْنَهُما مُشْتَبِهَاتٌ

(2) CHAPTER. Legal and illegal things are clearly defined, and in between them are some doubtful (unclear) things.

٢٠٥١ - حدَّثَنِي مُحَمَّدُ بنُ المُثَنَّى: حدَّثَنا ابنُ أَبي عَدِيٍّ، عَنِ ابنِ عَوْنٍ، عَنِ الشَّعْبِيِّ قالَ: سَمِعْتُ النُّعْمانَ بنَ بَشِيرٍ رَضِيَ اللهُ عَنْهُ يقول: سَمِعْتُ النَّبِيَّ ﷺ ح.

وحدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا ابنُ عُيَيْنَةَ، حَدَّثَنا أَبُو فَرْوَةَ، عَنِ الشَّعْبِيِّ قالَ: سَمِعْتُ النُّعْمانَ بنَ بَشيرٍ عَنِ النَّبِيِّ ﷺ ح.

وَحَدَّثَنِي عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا ابنُ عُيَيْنَة، عَنْ أَبي فَرْوَةِ قَالَ: سَمِعْتُ الشَّعْبِيَّ: سَمِعْتُ النُّعْمانَ بنَ بَشِيرٍ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ ح.

حدَّثَنا مُحَمَّدُ بنُ كَثِيرٍ: أَخْبَرَنا سُفْيانُ، عَنْ أَبي فَرْوَةَ، عَنِ الشَّعْبِيِّ، عَنِ النُّعْمانِ بنِ بَشِيرٍ رَضِيَ اللهُ عَنْهُ

2051. Narrated An-Nu'mān bin Bashīr رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said: "Both legal and illegal things are obvious, and in between them are (unclear) doubtful matters (things). So whoever forsakes those doubtful (unclear) things lest he may commit a sin, will definitely avoid what is clearly illegal; and whoever indulges in these (unclear) doubtful things bravely, is likely to commit what is clearly illegal. Sins are Allāh's *Hima* (i.e., private pasture) and whoever pastures (his sheep) near it, is likely to get in it at any moment."(1)

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(1) (H. 2051) Man, here is compared to a shepherd; his desires, to a flock of sheep; sins, to a private pasture of somebody else; doubtful matters to the region surrounding the pasture and indulgence in doubtful matters to pasture in that region. To pasture there will probably lead the sheep to enter the private pasture, and the shepherd would be punished for grazing his sheep near the private pasture which led to such an obvious transgression.

قالَ: قالَ النَّبيُّ ﷺ: «الحلالُ بَيِّنٌ، والحَرَامُ بَيِّنٌ، وبَيْنَهُما أُمورٌ مُشْتَبِهَةٌ. فَمَنْ تَرَكَ مَا شُبِّهَ عَلَيْهِ مِنَ الإثْمِ كانَ لِمَا اسْتَبانَ أَتْرَكَ، ومَنِ اجْتَرَأَ عَلى مَا يَشُكُّ فِيهِ مِنَ الإثْمِ أَوشَكَ أَنْ يُواقِعَ ما اسْتَبانَ. والمَعاصِي حِمَى اللهِ، مَنْ يَرْتَعْ حَوْلَ الحِمَى يُوشِكْ أَنْ يُوَاقِعَهُ». [راجع: ٥٢]

(3) CHAPTER. Explanation of doubtful (unclear) things.

(٣) بابٌ تَفْسِيرِ المُشَبَّهاتِ،

Ḥassān bin Abū Sinān said, "I found nothing easier than to be pious and Allāh-fearing; (to achieve this aim) leave all doubtful (unclear) things and do what is completely clear of doubt."

وقالَ حَسَّانُ بنُ أَبي سِنانٍ: مَا رَأَيْتُ شَيْئاً أَهْوَنَ مِنَ الوَرَعِ، دَعْ مَا يَرِيبُكَ إلى مَا لَا يَرِيبُكَ.

2052. Narrated 'Abdullāh bin Abū Mulaika: 'Uqba bin Al-Ḥārith رَضِيَ اللهُ عَنْهُ said that a black woman came and claimed that she had suckled both of them (i.e., 'Uqba and his wife). So, he mentioned that to the Prophet ﷺ who turned his face from him and smiled and said, "How (can you keep your wife), and it was said (that both of you were suckled by the same woman)?" His wife was the daughter of Abū Ihāb At-Tamīmī.

٢٠٥٢ - حَدَّثَنا مُحَمَّدُ بنُ كَثِيرٍ: أَخْبَرَنا سُفْيانُ: أَخْبَرَنا عَبْدُ اللهِ بنُ عَبْدِ الرَّحْمٰنِ بنِ أَبي حُسَيْنٍ: حدَّثَنا عَبْدُ اللهِ ابنُ أَبي مُلَيْكَةَ، عَنْ عُقْبَةَ بنِ الحَارِثِ رَضِيَ اللهُ عَنْهُ: أَنَّ امْرَأَةً سَوْدَاءَ جاءَتْ فَزَعَمَتْ أَنَّها أَرْضَعَتْهُما، فَذَكَرَ للنَّبيِّ ﷺ فأَعْرَضَ عَنْهُ وتَبَسَّمَ النَّبيُّ ﷺ، قالَ: «كَيْفَ وقَدْ قِيلَ؟» وقَدْ كانَتْ تَحْتَهُ ابْنَةُ أَبي إهابٍ التَّمِيمِيِّ. [راجع: ٨٨]

2053. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: 'Utba bin Abū Waqqāṣ took a firm promise from his brother Sa'd bin Abū Waqqāṣ to take the son of the slave-girl of Zam'a into his custody as he was his (i.e., 'Utba's) son. In the year of the Conquest (of Makkah) Sa'd bin Abū Waqqāṣ took him, and said that he was his brother's son, and his brother took a promise

٢٠٥٣ - حَدَّثَنا يَحْيى بنُ قَزَعَةَ: حدَّثَنا مالكٌ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ ابنِ الزُّبَيرِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ عُتْبَةُ بنُ أَبي وقَّاصٍ عَهِدَ إلى أَخِيهِ سَعْدِ ابنِ أَبي

from him to that effect. 'Abd bin Zam'a got up and said, "He is my brother and the son of the slave-girl of my father and was born on my father's bed." Then they both went to the Prophet ﷺ. Sa'd said, "O Allāh's Messenger! He is the son of my brother and he has taken a promise from me that I will take him." 'Abd bin Zam'a said, "(He is) my brother and the son of my father's slave-girl and was born on my father's bed." Allāh's Messenger ﷺ said, "The boy is for you.,O 'Abd bin Zam'a." Then the Prophet ﷺ said, "The son is for the bed (i.e., the man on whose bed he was born) and stones (despair, i.e., to be stoned to death), for the one who has done illegal sexual intercourse." The Prophet ﷺ told his wife Sauda bint Zam'a to screen herself from that boy as he noticed a similarity between the boy and 'Utba. So, the boy did not see her till he died.[1]

وَقَّاصٍ أَنَّ ابنَ وَلِيدَةِ زَمْعَةَ مِنِّي فاقْبِضْهُ، قالَتْ: فَلَمَّا كانَ عامُ الفَتْحِ أَخَذَهُ سَعْدُ بنُ أبي وَقَّاصٍ وقالَ: ابنُ أخي قَدْ عَهِدَ إليَّ فِيهِ، فَقامَ عَبْدُ بنُ زَمْعَةَ فَقالَ: أَخِي وابنُ وَلِيدَةِ أبي وُلِدَ عَلَى فِراشِهِ، فَتَساوَقا إلى رَسُولِ اللهِ ﷺ فَقالَ سَعْدٌ: يا رَسُولَ اللهِ، ابنُ أَخِي كانَ قَدْ عَهِدَ إليَّ فِيهِ، فَقالَ عَبْدُ بنُ زَمْعَةَ: أَخِي وابنُ وَلِيدَةِ أبي وُلِدَ عَلَى فِراشِهِ، فَقالَ النَّبيُّ ﷺ: «هُوَ لكَ يا عَبْدُ بنَ زَمْعَةَ»، ثُمَّ قالَ النَّبيُّ ﷺ: «الوَلَدُ لِلفِراشِ ولِلعاهِرِ الحَجَرُ». ثُمَّ قالَ لِسَوْدَةَ بِنْتِ زَمْعَةَ زَوْجِ النَّبيِّ ﷺ: «احْتَجِبي مِنْهُ» يَا سَوْدَةُ، لِما رَأَى مِنْ شَبَهِهِ بِعُتْبَةَ، فَمَا رَآها حتَّى لَقِيَ اللهَ. [انظر: ٢٢١٨، ٢٤٢١، ٢٥٣٣، ٢٧٤٥، ٤٣٠٣، ٦٧٤٩، ٦٧٦٥، ٦٨١٧، ٧١٨٢]

2054. Narrated 'Adī bin Hātim رَضِيَ اللهُ عَنْهُ: I asked Allāh's Messenger ﷺ about *Al-Mi'rāḍ* (i.e., sharp-edged piece of wood or a piece of wood provided with a sharp piece of iron used for hunting). He replied, "If the game is hit by its sharp edge, eat it, and if it is hit by its broad side, do not eat it, for it has been beaten to death." I asked, "O Allāh's Messenger! I release my hound by the Name of Allāh and find with it at the game, another hound on which I have not mentioned the Name of Allāh, and I do not

٢٠٥٤ - حَدَّثَنَا أَبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ قالَ: أَخبرَني عَبْدُ اللهِ بنُ أَبي السَّفَرِ، عَنِ الشَّعْبيِّ، عَنْ عَدِيِّ بنِ حاتِمٍ رَضِيَ اللهُ عَنْهُ، قالَ: سأَلْتُ رَسُولَ اللهِ ﷺ عنِ المِعْراضِ، فَقالَ: «إذا أَصابَ بِحَدِّهِ فَكُلْ، وإذا أَصابَ بِعَرْضِهِ فَقَتَلَ فَلا تأكُلْ فإنَّهُ وَقِيذٌ». قُلْتُ: يا رَسُولَ اللهِ، أُرْسِلُ كَلْبي

(1) (H. 2053) 'Utba committed adultery in the Pre-Islamic Period of Ignorance and before his death he declared that secret and confessed that the son of the slave-girl was his son, and most probably he died as a disbeliever.

وأُسَمِّي فأَجِدُ مَعَهُ عَلى الصَّيْدِ كَلْباً آخَرَ لَمْ أُسَمِّ عَلَيْهِ، ولا أَدْري أيُّهما أَخَذَ؟ قالَ: «لا تأكُلْ، إنَّما سَمَّيْتَ عَلى كَلْبِكَ ولم تُسَمِّ عَلى الآخَرِ».

[راجع: ١٧٥]

know which one of them caught the game." Allāh's Messenger ﷺ said (to him), "Don't eat it as you have mentioned the Name of Allāh on your hound and not on the other."

(٤) بابٌ ما يُتَنزَّهُ مِنَ الشُّبهاتِ

(4) CHAPTER. What doubtful (unclear) things should be avoided?

٢٠٥٥ - حَدَّثَنا قَبيصَةُ: حدَّثَنا سُفْيانُ، عَنْ مَنْصُورٍ، عَنْ طَلْحَةَ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: مَرَّ النَّبيُّ ﷺ بِتَمْرَةٍ مَسْقُوطَةٍ، فَقالَ: «لَوْلا أَنْ تَكُونَ صَدَقَةً لأكَلْتُها».

وقالَ هَمَّامٌ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «أَجِدُ تَمرَةً ساقِطَةً عَلى فِرَاشِي». [انظر: ٢٤٣١]

2055. Narrated Anas رَضِيَ الله عَنْهُ : The Prophet ﷺ passed by a fallen date and said, "Were it not for my doubt that this might have been given in charity, I would have eaten it." And narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "I found a date-fruit fallen on my bed."

(٥) بابٌ مَنْ لَمْ يرَ الوَساوِسَ ونحوَها مِنَ الشُّبُهاتِ

(5) CHAPTER. Whoever does not consider dark suggestions by one's ownself or similar things as doubtful (unclear) things.

٢٠٥٦ - حَدَّثَنا أبو نُعَيم: حدَّثَنا ابنُ عُيَيْنَةَ، عَنِ الزُّهْريِّ، عَنْ عَبَّادِ بنِ تَميم عَنْ عَمِّهِ قالَ: شُكِيَ إلى النَّبيِّ ﷺ الرَّجُلُ يَجِدُ في الصَّلاةِ شَيْئاً، أَيَقْطَعُ الصَّلاةَ؟ قالَ: «لا حتَّى يَسْمَعَ صَوْتاً أو يَجِدَ رِيحاً». [راجع: ٣٧]

وقالَ ابنُ أبي حَفْصَةَ، عَنِ الزُّهْريِّ: لا وُضُوءَ إلَّا فِيما وجَدْتَ الرِّيحَ أو سَمِعْتَ الصَّوْتَ.

2056. Narrated 'Abbād bin Tamīm that his uncle said, "The Prophet ﷺ was asked: If a person feels something during his *Ṣalāt* (prayer); should one interrupt his *Ṣalāt* (prayer)?" The Prophet ﷺ said, "No! You should not give it up unless you hear a sound or smell something." Narrated Ibn Abī Ḥafṣa: Az-Zuhrī said, "There is no need of repeating ablution unless you detect a smell or hear a sound."

٢٠٥٧ - حدَّثَنا أَحْمَدُ بنُ المِقْدامِ العِجْليُّ: حدَّثَنا مُحَمَّدُ بنُ عَبْدِ

2057. Narrated 'Āishah رَضِيَ الله عَنْهَا: Some people said, "O Allāh's Messenger! Meat is brought to us by some people and we are not

sure whether the Name of Allāh has been mentioned on it or not (at the time of slaughtering the animals).” Allāh’s Messenger ﷺ said (to them), “Mention the Name of Allāh and eat it.”

الرَّحْمٰنِ الطُّفَاوِيُّ: حدَّثَنا هِشامُ بنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ قَوْماً قالُوا: يا رَسُولَ اللهِ، إِنَّ قَوْماً يأْتُونَنا باللَّحْمِ لا نَدْرِي أَذَكَرُوا اسْمَ اللهِ عَلَيْهِ، أَمْ لا؟ فَقالَ رَسُولُ اللهِ ﷺ: «سَمُّوا اللهَ عَلَيْهِ وكُلُوهُ». [انظر: ٥٥٠٧، ٧٣٩٨]

(6) CHAPTER. The Statement of Allāh عزّ وجل: “And when they see some merchandise or some amusement [beating of *Tambur* (drum) etc.], they disperse headlong to it...” (V.62:11)

(٦) بابُ قَوْلِ اللهِ عَزَّ وَجَلَّ: ﴿وَإِذَا رَأَوْاْ تِجَـٰرَةً أَوْ لَهْوًا ٱنفَضُّوٓاْ إِلَيْهَا﴾ [الجمعة: ١١]

2058. Narrated Jābir رضي الله عنه: While we were offering the *Ṣalāt* (prayer) with the Prophet ﷺ a caravan carrying food came from Sham. The people looked towards the caravan (and went to it) and only twelve persons remained with the Prophet ﷺ. So, the Divine Revelation came;:“And when they see some merchandise or some amusement [beating of *Tambur* (drum) etc.], they disperse headlong to it...” (V.62:11)

٢٠٥٨ - **حَدَّثَنا** طَلْقُ بنُ غَنَّامٍ: حدَّثَنا زَائِدَةُ، عَنْ حُصَيْنٍ، عَنْ سالِمٍ قالَ: حدَّثَنِي جابِرٌ رَضِيَ اللهُ عَنْهُ قالَ: بَيْنما نَحْنُ نُصَلِّي مَعَ النَّبِيِّ ﷺ إِذْ أَقْبَلَتْ مِنَ الشَّامِ عِيرٌ تَحْمِلُ طَعاماً فالتَفَتُوا إِلَيها حتَّى ما بَقِيَ مَعَ النَّبِيِّ ﷺ إِلَّا اثْنا عَشَرَ رَجُلاً، فَنزَلَتْ ﴿وَإِذَا رَأَوْاْ تِجَـٰرَةً أَوْ لَهْوًا ٱنفَضُّوٓاْ إِلَيْهَا﴾ [الجمعة: ١١]. [راجع: ٩٣٦]

(7) CHAPTER. The one who does not care from where he earns his money (i.e., whether through legal or illegal ways).

(٧) بابُ مَنْ لَمْ يُبالِ مِنْ حَيْثُ كَسَبَ المَالَ

2059. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, “A time will come upon the people when one will not care how one gains one’s money, legally or illegally.”

٢٠٥٩ - **حَدَّثَنا** آدَمُ: حدَّثَنا ابنُ أَبِي ذِئْبٍ: حدَّثَنا سَعِيدٌ المَقْبُرِيُّ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «يَأْتِي عَلى النَّاسِ زَمانٌ لَا يُبالِي المَرْءُ ما أَخَذَ مِنْهُ، أَمِنَ الحَلالِ أَمْ مِنَ الحَرَامِ؟». [انظر: ٢٠٨٣]

(8) CHAPTER. Trade of cloth and other things.

And the Statement of Allāh عَزَّ وجَل:

"Men whom neither trade nor sale (business) diverts them from the Remembrance of Allāh (with heart and tongue)..." (V.24:37)

Qatāda said, "The people used to do sale and trade; but whenever they were to perform any of Allāh's obligations, then trade and sale would not divert them from Allāh's worship, but they would rather fulfil that obligation (to Allāh)."

2060, 2061. Narrated Abū Al-Minhāl: I used to practise money exchange, and I asked Zaid bin 'Arqam رَضِيَ الله عَنْهُ about it, and he narrated what the Prophet ﷺ said (as follows): Abū Al-Minhāl said, "I asked Al-Barā' bin 'Āzib and Zaid bin 'Arqam about practising money exchange. They replied, 'We were traders in the lifetime of Allāh's Messenger ﷺ and I asked Allāh's Messenger ﷺ about money exchange. He replied, "If it is from hand to hand, there is no harm in it; but if there is *Nasī'a* (delay in payment) then it is not permissible.'"

[See H.No. 2178, 2180, Ch. 79, 80].

(٨) بابُ التِّجارَةِ في الْبَزِّ وغَيْرِه

وقَوْلِهِ - عَزَّ وجَلَّ -: ﴿رِجَالٌ لَّا تُلْهِيهِمْ تِجَٰرَةٌ وَلَا بَيْعٌ عَن ذِكْرِ ٱللَّهِ﴾ [النور: ٣٧] وقالَ قَتادَةُ: كانَ القَوْمُ يَتَبايَعُونَ وَيتَّجِرُون ولٰكِنَّهُمْ إذَا نابَهُمْ حَقٌّ مِنْ حُقُوقِ اللهِ لَمْ تُلْهِهِمْ تِجارَةٌ وَلا بَيْعٌ عَنْ ذِكْرِ اللهِ حتَّى يُؤَدُّوهُ إلى اللهِ.

٢٠٦٠، ٢٠٦١ - حَدَّثَنا أَبُو عاصِمٍ، عَنِ ابنِ جُرَيْجٍ، قالَ: أَخْبرَني عَمْرُو بنُ دِينارٍ، عَنْ أَبي المِنهالِ قالَ: كُنْتُ أَتَّجِرُ في الصَّرْفِ، فَسَأَلْتُ زَيْدَ بنَ أَرْقَمَ رَضِيَ اللهُ عَنْهُ فَقالَ: قالَ النَّبِيُّ ﷺ ح.

وحدَّثَني الفَضْلُ بنُ يَعْقُوبَ: حدَّثَنا الحَجَّاجُ بنُ مُحَمَّدٍ: قالَ ابنُ جُرَيْجٍ: أَخْبرَني عَمْرُو بنُ دِينارٍ وعامِرُ بنُ مُصْعَبٍ أَنَّهُما سَمِعا أبا المِنهالِ يَقُولُ: سَأَلْتُ البرَاءَ بنَ عازِبٍ وزَيْدَ بنَ أَرْقَمَ عَنِ الصَّرْفِ فَقالا: كُنَّا تَاجِرَيْنِ عَلى عَهْدِ رَسُولِ اللهِ ﷺ فَسأَلْنا رَسُولَ اللهِ ﷺ عَنِ الصَّرْفِ، فَقالَ: «إنْ كانَ يَداً بِيَدٍ فَلا بأسَ، وإِنْ كانَ نَسِيأً فَلا يَصْلُحُ».

[الحديث: ٢٠٦٠، انظر: ٢١٨٠، ٢٤٩٧، ٣٩٣٩]؛ الحديث: ٢٠٦١، انظر: ٢١٨١، ٢٤٩٨، ٣٩٤٠]

(9) CHAPTER. Going out for trading.

And the Statement of Allāh عزّ وجل:
"You may disperse through the land and seek of the Bounty of Allāh (by working)..." (V.62:10)

2062. Narrated 'Ubaid bin 'Umair: Abū Mūsa asked 'Umar رضي الله عنه to admit him but he was not admitted as 'Umar was busy, so Abū Mūsā went back. When 'Umar finished his job he said, "Didn't I hear the voice of 'Abdullāh bin Qais? Let him come in." 'Umar was told that he had left. So, he sent for him and on his arrival, he (Abū Mūsa) said, "We were ordered to do so (i.e., to leave if not admitted after asking permission thrice). 'Umar told him, "Bring witness in proof of your statement." Abu Mūsā went to the *Anṣār*'s meeting places and asked them. They said, "None amongst us will give this witness except the youngest of us, Abū Sa'īd Al-Khudrī. Abū Mūsa then took Abū Sa'īd Al-Khudrī (to 'Umar) and 'Umar said surprisingly, "Has this order of Allāh's Messenger ﷺ been hidden from me?" (Then he added), "I used to be busy trading in markets, i.e., going out for trading."

(٩) بابُ الخُروجِ في التِّجارَةِ.

وقَوْلِ اللهِ عَزَّ وجَلَّ: ﴿فَانتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِن فَضْلِ اللَّهِ﴾ [الجمعة: ١٠].

٢٠٦٢ - حَدَّثَني مُحَمَّدٌ: أَخْبَرَنا مَخْلَدُ بنُ يَزِيدَ: أَخْبَرَنا ابنُ جُرَيْجٍ، قالَ: أَخْبَرَني عَطاءٌ، عَنْ عُبَيْدِ بنِ عُمَيرٍ: أَنَّ أَبا مُوسَى الأَشْعَرِيَّ اسْتَأْذَنَ عَلى عُمَرَ رَضِيَ اللهُ عَنْهُ فَلَمْ يُؤْذَنْ لَهُ، - وكأنَّهُ كانَ مَشْغُولاً - فَرَجَعَ أَبُو مُوسَى فَفَرَغَ عُمَرُ فَقالَ: أَلَمْ أَسمَعْ صَوْتَ عَبْدِ اللهِ بنِ قَيْسٍ؟ ائْذَنُوا لَهُ. قِيلَ: قَدْ رَجَعَ، فَدَعاهُ فَقالَ: كُنَّا نُؤْمَرُ بذلكَ، فَقالَ: تأْتِيني عَلى ذلكَ بالبَيِّنَةِ. فانْطَلَقَ إِلى مَجالِسِ الأَنْصارِ فَسأَلَهُمْ فَقالُوا: لا يَشْهَدُ لكَ عَلى هذا إِلَّا أَصْغَرُنا أَبُو سَعِيدٍ الخُدْرِيُّ. فَذَهَبَ بأَبي سَعِيدٍ الخُدْرِيِّ، فَقالَ عُمَرُ: أَخَفِيَ عَلَيَّ هٰذا مِنْ أَمْرِ رَسُولِ اللهِ ﷺ؟ أَلهاني الصَّفْقُ بالأَسْواقِ. يَعْني الخُرُوجَ إِلى التجارة. [انظر: ٦٢٤٥، ٧٣٥٣]

(10) CHAPTER. Trading in sea.

And Maṭar said, "There is no harm in it, and whatever Allāh has mentioned about it in the Qur'ān, is but the truth." Then he (Maṭar) recited:
"...And you see the ships ploughing through it, that you may seek (thus) of His Bounty (by transporting the goods from place to place)...'" (V.16:14)

(١٠) بابُ التِّجارَةِ في البَحْرِ،

وقالَ مَطَرٌ: لا بأْسَ بِهِ، ومَا ذَكَرَهُ اللهُ في القُرْآنِ إِلَّا بِحَقٍّ ثُمَّ تَلا ﴿وَتَرَى الْفُلْكَ مَوَاخِرَ فِيهِ وَلِتَبْتَغُوا مِن فَضْلِهِ﴾ [فاطر: ١٢] والفُلْكُ: السُّفُنُ الوَاحِدُ والجَمْعُ

سَوَاءٌ. وقالَ مُجاهِدٌ: تَمْخَرُ السُّفُنُ الرِّيحَ ولا تَمْخَرُ الرِّيحَ شيئاً مِنَ السُّفُنِ إلَّا الفُلْكُ العِظامُ.

٢٠٦٣ - وقالَ اللَّيْثُ حدَّثَنِي جَعْفَرُ ابنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ هُرْمُزَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ: أَنَّهُ ذَكَرَ رَجُلاً مِنْ بَنِي إِسْرَائِيلَ خَرَجَ فِي البَحْرِ فَقَضَى حَاجَتَه. وساقَ الحديثَ.

حدَّثني عَبْدُ اللهِ بنُ صَالِحٍ: حَدَّثَنِي اللَّيْثُ بِهِ. [راجع: ١٤٩٨]

2063. Abū Hurairah رَضِيَ اللهُ عَنْهُ said, "Allāh's Messenger ﷺ mentioned a person from Banī Isrāel who travelled by sea and carried out his needs." Then he narrated the whole story.

[See *Hadīth*. No. 2291].

(١١) **بابٌ** ﴿وَإِذَا رَأَوْا تِجَـٰرَةً أَوْ لَهْوًا انفَضُّوٓا إِلَيْهَا﴾ [الجمعة: ١١] وقَوْلُه ﴿رِجَالٌ لَّا تُلْهِيهِمْ تِجَـٰرَةٌ وَلَا بَيْعٌ عَن ذِكْرِ ٱللَّهِ﴾ [النور: ٣٧]

(11) CHAPTER.

"And when they see some merchandise or some amusement [beating of *Tambūr* (drum) etc.], they disperse headlong to it..." (V.62:11)

And Allāh's Statement:

"Men whom neither trade nor sale divert them from the Remembrance of Allāh..." (V.24:37)

وقالَ قَتادَةُ: كانَ القَوْمُ يَتَّجِرُونَ ولكِنَّهُمْ كانُوا إِذَا نابَهُمْ حَقٌّ مِنْ حُقُوقِ اللهِ لَمْ تُلْهِهِمْ تِجارَةٌ ولا بَيْعٌ عَنْ ذِكْرِ اللهِ حتَّى يُؤَدُّوهُ إلى اللهِ.

Qatāda said, "The people used to trade, but whenever they were to perform any of Allāh's obligations, then neither trade nor sale would divert them from the Remembrance of Allāh, but they would rather fulfil that obligation."

٢٠٦٤ - حدَّثَني مُحَمَّدٌ قالَ: حدَّثَنِي مُحَمَّدُ بنُ فُضَيْلٍ، عَنْ حُصَيْنٍ، عَنْ سالِمِ ابنِ أَبِي الجَعْدِ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: أَقْبَلَتْ عِيرٌ ونَحْنُ نُصَلِّي مَعَ النَّبِيِّ ﷺ الجُمُعَةَ فانْفَضَّ النَّاسُ إلاَّ اثْنَي عَشَرَ

2064. Narrated Jābir رَضِيَ اللهُ عَنْهُ: A caravan arrived (at Al-Madīna) while we were offering the *Jumu'ah* (prayer) with the Prophet ﷺ. The people left and went out for the caravan, with the exception of twelve persons. Then this Verse was revealed:

"And when they see some merchandise or some amusement [beating of *Tambūr* (drum) etc.], they disperse headlong to it, and leave

رَجُلاً، فَنَزَلَتْ هذِهِ الآيَةُ ﴿وَإِذَا رَأَوْا تِجَٰرَةً أَوْ لَهْوًا ٱنفَضُّوٓا إِلَيْهَا وَتَرَكُوكَ قَآئِمًا﴾ [الجمعة ١١] [راجع: ٩٣٦]

you standing..." (V.62:11)

(١٢) بابُ قوله: ﴿أَنفِقُوا مِن طَيِّبَٰتِ مَا كَسَبْتُمْ﴾ [البقرة: ٢٦٧].

(12) CHAPTER. Allāh's Statement: "...Spend of the good things which you have (legally) earned..." (V.2:267)

٢٠٦٥ - حَدَّثَنا عُثمانُ ابنُ أَبي شَيْبَةَ قَال: حدَّثَنا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ أَبي وَائِلٍ، عَنْ مَسْرُوقٍ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهَا قالَتْ: قال النَّبيُّ ﷺ: «إِذَا أَنْفَقَتِ المَرْأَةُ مِنْ طَعامِ بَيْتِها غيرَ مُفْسِدَةٍ كانَ لَهَا أَجْرُها بِما أَنْفَقَتْ، ولِزَوْجِها بِما كَسَبَ، ولِلخازِنِ مِثْلُ ذٰلكَ، لا يَنْقُصُ بَعْضُهُمْ أَجْرَ بَعْضٍ شَيْئاً».

2065. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ said, "If a woman gives in charity from her house meals without wasting (i.e., being extravagant), she will get the reward for her giving, and her husband will also get the reward for his earning and the storekeeper will also get a similar reward. The acquisition of the reward of none of them will reduce the reward of the others."

٢٠٦٦ - حدَّثني يَحْيى بنُ جَعْفَرٍ: حدَّثَنا عَبْدُ الرَّزَّاقِ، عَنْ مَعْمَرٍ، عَنْ هَمَّامٍ قالَ: سَمِعْتُ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «إِذَا أَنْفَقَتِ المَرْأَةُ مِنْ كَسْبِ زَوْجِها عَنْ غَيرِ أَمْرِهِ فَلَهَا نِصْفُ أَجْرِهِ». [انظر: ٥١٩٢، ٥١٩٥، ٥٣٦٠]

2066. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "If a woman gives something (i.e., in charity) from her husband's earnings without his permission, she will get half his reward."

(١٣) بابُ مَنْ أَحَبَّ البَسْطَ في الرِّزْقِ.

(13) CHAPTER. Whoever liked to expand in his sustenance.

٢٠٦٧ - حَدَّثَنا مُحَمَّدُ ابنُ أَبي يَعْقُوبَ الكِرْمانيُّ: حدَّثَنا حَسَّان: حدَّثَنا يُونُسُ: قَالَ مُحَمَّدٌ هو الزُّهريُّ عَنْ أَنَسِ ابنِ مالِكٍ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ:

2067. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: I heard Allāh's Messenger ﷺ saying, "Whoever desires an expansion in his sustenance and age, should keep good relations with his kith and kin."

«مَنْ سَرَّهُ أَنْ يُبْسَطَ لَهُ في رِزْقِهِ أَوْ يُنْسَأَ لَهُ في أَثَرِهِ فَلْيَصِلْ رَحِمَهُ».

[انظر: ٥٩٨٦]

(14) CHAPTER. The Prophet ﷺ purchased (foodgrains) on credit.

(١٤) بابُ شِرَاءِ النَّبِيِّ ﷺ بالنَّسِيئَةِ

2068. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ purchased food grains from a Jew on credit and mortgaged his iron armour to him.

٢٠٦٨ - حَدَّثَنَا مُعَلَّى بنُ أَسَدٍ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا الأعْمَشُ قالَ: ذَكَرْنا عِنْدَ إبْرَاهِيمَ: الرَّهْنَ في السَّلَمِ، فقالَ: حدَّثَنِي الأسْوَدُ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ النَّبِيَّ ﷺ اشْتَرَى طَعاماً مِنْ يَهُودِيٍّ إلى أَجَلٍ ورَهَنَهُ دِرْعاً منْ حَدِيدٍ. [انظر: ٢٠٩٦، ٢٢٠٠، ٢٢٥١، ٢٢٥٢، ٢٣٨٦، ٢٥٠٩، ٢٥١٣، ٢٩١٦، ٤٤٦٧]

2069. Narrated Qatāda: Anas رَضِيَ اللهُ عَنْهُ went to the Prophet ﷺ with barley bread having some dissolved fat on it. The Prophet ﷺ had mortgaged his armour to a Jew in Al-Madīna and took from him some barley for his family. Anas heard him saying, "The household of Muḥammad ﷺ did not possess even a single *Ṣā'* of wheat or food grains for their evening meal, although he has nine wives (to look after)".

[See *Ḥadīth* No. 2508]

٢٠٦٩ - حَدَّثَنَا مُسْلِمٌ: حدَّثَنا هِشامٌ: حدَّثَنا قَتادَةُ، عَنْ أَنَسٍ ح وحدَّثَنِي مُحَمَّدُ بنُ عَبْدِ اللهِ بنِ حَوْشَبٍ: حدَّثَنا أَسْباطٌ أَبُو اليَسَعِ البَصْرِيُّ: حدَّثَنا هِشامٌ الدَّسْتَوَائِيُّ عَنْ قَتادَةَ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: أَنَّهُ مَشَى إلى النَّبِيِّ ﷺ بِخُبزِ شَعِيرٍ وإهالَةٍ سَنِخَةٍ، ولَقَدْ رَهَنَ النَّبِيُّ ﷺ دِرْعاً لَهُ بالمَدِينَةِ عِنْدَ يَهُودِيٍ وأَخَذَ مِنْهُ شَعِيراً لأَهْلِهِ. ولَقَدْ سَمِعْتُهُ يَقُولُ: «مَا أَمْسَى عِنْدَ آلِ مُحَمَّدٍ ﷺ صاعُ بُرٍّ ولا صاعُ حَبٍّ، وإنَّ عِنْدَهُ لَتِسْعَ نِسْوَةٍ».

[انظر: ٢٥٠٨]

(١٥) **بابٌ كَسْبِ الرَّجُلِ وعَمَلِهِ بِيَدِهِ**

(15) CHAPTER. The earnings of a person and his manual labour.

٢٠٧٠ - **حدَّثني** إسماعِيلُ بنُ عَبْدِ اللهِ حدَّثَني عَلِيُّ بنُ وَهْبٍ، عَنْ يُونُسَ، عَنِ ابنِ شِهابٍ قالَ: أخْبرَني عُرْوَةُ بنُ الزُّبَيرِ أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: لَمَّا اسْتُخْلِفَ أبُو بَكْرٍ الصِّدِّيقُ قالَ: لَقَدْ عَلِمَ قَوْمي أنَّ حِرْفَتي لَمْ تَكُنْ تَعْجِزُ عَنْ مَؤُونَةِ أهْلي وشُغِلْتُ بأمْرِ المُسْلِمِينَ، فَسَيأكُلُ آلُ أبي بَكْرٍ مِنْ هذَا المَالِ وأحترِفُ لِلْمُسْلِمِين فِيهِ.

2070. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: When Abū Bakr Aṣ-Ṣiddīq was chosen Caliph, he said, "My people know that my profession was not incapable of providing sustenance to my family. And as I will be busy serving the Muslim nation, my family will eat from the National Treasury of Muslims, and I will practise the profession of serving the Muslims."

٢٠٧١ - **حَدَّثَنا** مُحَمَّدٌ: حدَّثَنا عَبْدُ اللهِ بنُ يَزِيدَ: حدَّثَنا سَعِيدٌ قالَ: حدَّثَني أبُو الأسْوَدِ، عَنْ عُرْوَةَ قالَ: قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها: كانَ أصْحابُ رَسُولِ اللهِ ﷺ عُمَّالَ أنْفُسِهِمْ، فكان يكُونُ لهُمْ أرْوَاحٌ، فَقِيلَ لهُمْ: لَوِ اغْتَسَلْتُمْ. رَوَاهُ هَمَّامٌ، عَنْ هِشامٍ، عَنْ أبِيهِ، عَنْ عائِشَةَ. [راجع: ٩٠٣]

2071. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: The companions of Allāh's Messenger ﷺ used to practise manual labour, so their sweat used to smell, and they were advised to take a bath.

٢٠٧٢ - **حَدَّثَنا** إبْرَاهِيمُ بنُ مُوسَى: أخْبرَني [عِيسَى بنُ يونسَ]، عَنْ ثَوْرٍ، عَنْ خالِدِ بنِ مَعْدَانَ، عَنِ المِقْدَامِ رَضِيَ اللهُ عَنْهُ، عَنِ النبي ﷺ قالَ: «ما أكَلَ أحَدٌ طَعاماً قَطُّ خَيراً مِنْ أنْ يأكُلَ مِنْ عَمَلِ يدِهِ، وَإنَّ نَبيَّ اللهِ دَاوُدَ عَلَيْهِ السَّلامُ كانَ يأكُلُ مِنْ عَمَلِ يَدِهِ».

2072. Narrated Al-Miqdām رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Nobody has ever eaten a better meal than that which one has earned by working with one's own hands. The Prophet of Allāh, Dāwūd (David) عليه السلام used to eat from the earnings of his manual labour."

2073. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The Prophet Dāwūd (David) عليه السلام used not to eat except from the earnings of his manual labour."

٢٠٧٣ - حَدَّثَنَا يَحْيَى بنُ مُوسَى: حدَّثنا عَبْدُ الرَّزَّاقِ: أَخْبرَنا مَعْمَرٌ، عَنْ هَمَّامِ بنِ مُنَبِّهٍ: حدَّثنا أبو هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ: «أَنَّ دَاوُدَ النَّبِيَّ عَلَيْهِ السَّلامُ كانَ لا يأكُلُ إلَّا مِنْ عَمَلِ يَدِهِ». [انظر: ٣٤١٧، ٤٧١٣]

2074. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "No doubt, it is better for anyone of you to cut a bundle of wood and carry it over his back rather than to ask somebody who may or may not give him."

[See H.2374].

٢٠٧٤ - حَدَّثَنَا يَحْيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، عَنْ أَبي عُبَيْدٍ مَوْلى عَبْدِ الرَّحْمٰنِ ابنِ عَوْفٍ: أَنَّهُ سَمِعَ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «لأَنْ يَحْتَطِبَ أَحَدُكُمْ حُزْمَةً عَلى ظَهْرِهِ خَيرٌ مِنْ أَنْ يَسْأَلَ أَحَداً فَيُعْطِيَهُ أَوْ يَمْنَعَهُ».

[راجع: ١٤٧٠]

2075. Narrated Az-Zubair bin Al-'Awwām رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "One would rather take a rope (and cut wood and carry it than to ask others)."

٢٠٧٥ - حَدَّثَنَا يَحْيى بنُ مُوسَى: حدَّثَنا وكيعٌ: حدَّثَنا هِشامُ بنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ الزُّبَيرِ بنِ العَوَّامِ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ - ﷺ -: «لأَنْ يأخُذَ أَحَدُكُمْ أَحْبُلَهُ». [راجع: ١٤٧١]

(16) CHAPTER. One should be lenient and generous in bargaining, and whoever demands his debts back should do so in a modest lenient manner.

(١٦) **بابُ السُّهُولَةِ والسَّماحَةِ في الشِّراءِ والبَيْعِ، ومَنْ طَلَبَ حَقّاً فَلْيَطْلُبْهُ في عَفافٍ**

2076. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "May Allāh's Mercy be on him who is lenient in his buying, selling, and in demanding back his money."

٢٠٧٦ - حَدَّثَنَا عَلِيُّ بنُ عَيَّاشٍ: حدَّثَنا أَبُو غَسَّانَ قالَ: حدَّثَني مُحَمَّدُ بنُ المُنْكَدِرِ، عَنْ جابِرِ بنِ عَبْدِ اللهِ

رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «رَحِمَ اللهُ رَجُلاً سَمْحاً إِذَا باعَ، وإِذَا اشْتَرَى، وإِذَا اقْتَضَى».

(17) CHAPTER. Whoever gave time to a rich person to pay at his convenience.

(١٧) بابٌ مَنْ أَنْظَرَ مُوسِراً

2077. Narrated Hudhaifa رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "Before your time the angels took the soul of a man and asked him, 'Did you do any good deeds (in your life)?' He replied, 'I used to order my employees to grant time to the rich person to pay his debts at his convenience and excuse the one in hard circumstances'. So Allāh said to the angels: 'Excuse him.'"

Rab'ī said that (the dead man said), "I used to be easy to the rich and grant time to the one in hard circumstances." Or, in another narration, "...grant time to the well-off and forgive the one in hard circumstances," or, "...accept from the well-off and forgive the one in hard circumstances."

٢٠٧٧ - حَدَّثَنا أَحْمَدُ بنُ يُونُسَ: حدَّثَنا زُهَيرٌ: حدَّثَنا مَنْصُورٌ: أَنَّ رِبْعِيَّ ابنَ حِرَاشٍ، حَدَّثَهُ: أَنَّ حُذَيْفَةَ رَضِيَ اللهُ عَنْهُ حدَّثَهُ قالَ: قالَ النَّبِيُّ ﷺ: «تَلَقَّتِ المَلائِكَةُ رُوحَ رَجُلٍ مِمَّنْ كانَ قَبْلَكُمْ، فقالُوا: أَعَمِلْتَ مِنَ الخَيرِ شَيْئاً؟ قالَ: كُنْتُ آمُرُ فِتْياني أَنْ يُنْظِرُوا ويَتَجاوَزُوا عَنِ المُوسِرِ، قالَ: فَتَجاوَزُوا عَنْهُ».

قالَ أَبُو عَبْدِ اللهِ: وقالَ أَبُو مالِكٍ عَنْ رِبْعِيٍّ: «كُنْتُ أُيَسِّرُ عَلى المُوسِرِ وأُنْظِرُ المُعْسِرَ». وتَابَعَهُ شُعْبَةُ عَنْ عَبْدِ المَلِكِ، عَنْ رِبْعِيٍّ. وقالَ أَبُو عَوَانَةَ، عَنْ عَبْدِ المَلِكِ، عَنْ رِبْعِيٍّ: «أُنْظِرُ المُوسِرَ وأَتجاوَزُ عَنِ المُعْسِرِ». وقالَ نُعَيمُ بنُ أَبي هِنْدٍ، عَنْ رِبْعِيٍّ: «فأَقْبَلُ مِنَ المُوسِرِ وأَتجاوَزُ عَنِ المُعْسِرِ». [انظر: ٢٣٩١، ٣٤٥١]

(18) CHAPTER. Whoever waited for a person in hard circumstances to pay back his debt (i.e., when he is able to repay).

(١٨) بابٌ مَنْ أَنْظَرَ مُعْسِراً.

2078. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "There was a merchant who used to lend the people, and whenever his debtor was in straitened circumstances, he would say to his employees, 'Forgive him

٢٠٧٨ - حَدَّثَنا هِشامُ بنُ عَمَّارٍ: حدَّثَنا يَحْيى بنُ حَمْزَةَ: حدَّثَنا الزُّبَيْدِيُّ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ

بنِ عَبْدِ اللهِ: أَنَّهُ سَمِعَ أبا هُرَيْرَةَ - رَضِيَ اللهُ عَنْهُ - عَنِ النَّبِيِّ ﷺ قالَ: «كانَ تاجِرٌ يُدايِنُ النَّاسَ فإذَا رَأى مُعْسِراً قالَ لِفِتْيانِهِ: تَجاوَزُوا عَنْهُ لَعَلَّ اللهَ أنْ يَتَجاوَزَ عَنَّا. فَتَجاوَزَ اللهُ عَنْهُ». [انظر: ٣٤٨٠]

so that Allāh may forgive us.' So, Allāh forgave him."

(١٩) بابٌ: إذا بَيَّنَ البَيِّعانِ ولَمْ يَكْتُما ونَصَحا.

(19) CHAPTER. If both the seller and the buyer explain the good and bad points concerning the transaction and hide nothing and give sincere advice (then they are blessed in their bargain).

ويُذْكَرُ عَنِ العَدَّاءِ بنِ خالِدٍ، قالَ: كَتَبَ لي النَّبِيُّ ﷺ: «هذَا ما اشْتَرَى مُحَمَّدٌ رَسُولُ اللهِ ﷺ مِنَ العَدَّاءِ بنِ خالِدٍ، بَيْعَ المُسْلِمِ مِنَ المُسْلِمِ، لَا داءَ ولا خِبْثَةَ، ولا غائِلَةَ». وقالَ قَتادَةُ: الغائِلَةُ: الزِّنا والسَّرِقَةُ والإباقُ. وقِيلَ لإبْراهِيمَ: إنَّ بَعْضَ النَّخَّاسِينَ يُسَمِّي آرِيَّ خُراسانَ وسِجِسْتانَ، فَيَقُولُ: جاءَ أمْسِ مِنْ خُراسانَ، جاءَ اليَوْمَ مِنْ سِجِسْتانَ، فَكَرِهَهُ كَراهَةً شَدِيدَةً. وقالَ عُقْبَةُ بنُ عامِرٍ: لا يَحِلُّ لامْرِئٍ يَبِيعُ سِلْعَةً يَعْلَمُ أنَّ بِها داءً إلَّا أخْبَرَهُ.

Al-'Addā' bin Khālid said, "The Prophet ﷺ got this statement written for me: 'This is what Muḥammad, Allāh's Messenger ﷺ bought from 'Addā' bin Khālid as a Muslim sells to another Muslim and that it (i.e., the bought slave) is neither sick, nor bad-behaved nor stolen.'"

Qatāda said that *Al-Ghā'ila* means: adultery, theft or (the slave) who runs away.

It was said to Ibrāhīm, "Some brokers name their stables and the stables of Khurāsān and Sigstān and say, 'It (i.e., the animal) arrived from Khurāsān only yesterday (or) it came from Sigstān today.'" Ibrāhīm hated that very much.

'Uqba bin 'Āmir said, "It is illegal for one to sell a thing if one knows that it has a defect, unless one informs the buyer of that defect."

٢٠٧٩ - حَدَّثَنا سُلَيمانُ بنُ حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ قَتادَةَ، عَنْ صالِحٍ أبي الخَلِيلِ، عَنْ عَبْدِ اللهِ بنِ الحارِثِ رَفَعَهُ إلى حَكِيمِ بنِ حِزامٍ - رَضِيَ اللهُ عَنْهُم - قالَ: قالَ رَسُولُ اللهِ ﷺ: «البَيِّعانِ بالخِيارِ ما لَمْ

2079. Narrated Ḥakīm bin Ḥizām رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The seller and the buyer have the right to keep or return goods as long as they have not parted, or till they part; and if both the parties spoke the truth and described the defects and qualities (of the goods), then they would be blessed in their transaction, and if they told lies or hid something, then the blessings of their

يَتَفَرَّقا، أَو قالَ: حتَّى يَتَفَرَّقا، فإِنْ صَدَقا وبَيَّنا بُورِكَ لهُما في بَيْعِهِما، وإِن كَتما وكَذَبا مُحِقَتْ بَرَكَةُ بَيْعِهِما». [انظر: ٢٠٨٢، ٢١٠٨، ٢١١٠، ٢١١٤]

transaction would be lost."

(٢٠) بابُ بَيْعِ الخِلْطِ مِنَ التَّمْرِ

(20) CHAPTER. Selling of mixed dates.

٢٠٨٠ - حَدَّثَنا أَبُو نُعَيمٍ: حدَّثَنا شَيْبانُ، عَنْ يَحْيى، عَنْ أَبي سَلَمَةَ، عَنْ أَبي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قالَ: كُنَّا نُرْزَقُ تَمْرَ الجَمْعِ وهُوَ الخِلْطُ مِنَ التَّمْرِ. وكُنَّا نَبيعُ صَاعَيْنِ بِصاعٍ، فَقالَ النَّبيُّ ﷺ: «لا صَاعَيْنِ بِصَاعٍ، ولا دِرْهَمَينِ بِدِرْهَمٍ».

2080. Narrated Abū Sa'īd رَضِيَ اللهُ عَنْهُ: We used to be given mixed dates (from the booty) and used to sell (barter) two *Ṣā'* (of those dates) for one *Ṣā'* (of good dates). The Prophet ﷺ said (to us), "No (bartering of) two *Ṣā'*, for one *Ṣā'* nor two Dirhams for one Dirham is permissible", [as that is a kind of *Ribā* (usury)].

[See *Ḥadīth* No.2201, 2202].

(٢١) بابُ ما قِيلَ في اللَّحَّامِ والجَزَّارِ

(21) CHAPTER. What is said about the meat seller and the butcher.

٢٠٨١ - حَدَّثَنا عُمَرُ بنُ حَفْصٍ: حدَّثَنا أَبي: حدَّثَنا الأَعمَشُ قالَ: حدَّثَني شَقِيقٌ، عَنْ أَبي مَسْعُودٍ، قالَ: جاءَ رَجُلٌ مِنَ الأَنْصارِ يُكْنَى أَبا شُعَيْبٍ فَقالَ لِغُلامٍ لَهُ قَصَّابٍ: اجْعَلْ لي طَعاماً يَكْفِي خَمْسَةً من الناس فإِنِّي أُرِيدُ أَنْ أَدْعُوَ النَّبيَّ ﷺ خامِسَ خَمْسَةٍ، فإِنِّي قَدْ عَرَفْتُ في وَجْهِهِ الجُوعَ. فَدَعاهُمْ فَجاءَ مَعَهُمْ رَجُلٌ فَقالَ النَّبيُّ ﷺ: «إِنَّ هذا قَدْ تَبِعَنا فإِنْ شِئْتَ أَنْ تَأْذَنَ لَهُ فَأْذَنْ لَهُ وإِنْ شِئْتَ أَن يَرْجِعَ رَجَعَ. فَقالَ: لا، بَلْ قَدْ أَذِنْتُ لَهُ». [انظر: ٢٤٥٦، ٥٤٣٤، ٥٤٦١]

2081. Narrated Abū Mas'ūd: An *Anṣārī* man, called Abū Shu'aib, came and told his butcher slave, "Prepare meals sufficient for five persons, for I want to invite the Prophet ﷺ along with four other persons as I saw signs of hunger on his face." Abū Shu'aib invited them and another person came along with them. The Prophet ﷺ said (to Abū Shu'aib), "This man followed us, so if you allow him, he will join us, and if you want him to return, he will go back." Abū Shu'aib said, "No, I have allowed him (i.e., he, too, is welcomed to the meal)."

(22) CHAPTER. What is said regarding the loss (of blessing) if one tells lies or hides the facts in a deal.

2082. Narrated Ḥakīm bin Ḥizām رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "The buyer and the seller have the option to cancel or to confirm the deal as long as they have not parted, or till they part, and if they spoke the truth and told each other the defects of the things, then blessings would be in their deal, and if they hid something and told lies, the blessing of the deal would be lost."

(٢٢) بابُ ما يَمْحَقُ الكَذِبُ والكِتمانُ في البَيْعِ

٢٠٨٢ - حَدَّثَنا بَدَلُ بنُ المُحَبَّرِ: حدَّثنا شُعْبَةُ عَنْ قَتادَةَ، قالَ: سَمِعْتُ أَبا الخَلِيلِ يُحَدِّثُ عَنْ عَبْدِ اللهِ بنِ الحَارِثِ عَنْ حكِيمِ بنِ حِزَامٍ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قالَ: «البَيِّعانِ بالخِيارِ مَا لَمْ يَتَفَرَّقا - أَوْ قالَ: حتَّى يَتَفَرَّقا - فإِنْ صَدَقا وَبيَّنا بُورِكَ لهُما في بَيْعِهِما، وإِنْ كَتما وكَذَبا مُحِقَتْ بَرَكَةُ بَيْعِهِما». [راجع: ٢٠٧٩]

(23) CHAPTER. The Statement of Allāh تعالى: "O you who believe! Eat not *Ribā* (usury)[1] doubled and multiplied." (V.3:130)

2083. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said; "Certainly a time will come when people will not bother to know from where they earned the money, by lawful means or the unlawful means."

[See H.2059].

(٢٣) بابُ قَوْلِ اللهِ عَزَّ وجَلَّ: ﴿يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تَأْكُلُوا۟ ٱلرِّبَوٰٓا۟ أَضْعَـٰفًا مُّضَـٰعَفَةً﴾ الآية [آل عمران: ١٣٠].

٢٠٨٣ - حَدَّثَنا آدَمُ: حَدَّثَنا ابنُ أَبي ذِئْبٍ: حَدَّثَنا سَعِيدٌ المَقْبُرِيُّ عن أَبي هُرَيرَةَ عن النَّبيِّ ﷺ قال: «لَيَأْتِيَنَّ عَلَى النَّاسِ زَمَانٌ لا يُبالِي المَرْءُ بِما أَخَذَ المَالَ أَمِنْ حَلالٍ أَمْ مِنْ حَرامٍ». [راجع: ٢٠٥٩]

(24) CHAPTER. (The sin of) one who eats *Ribā* (usury), its witness and its writer.

And the Statement of Allāh تعالى:

"Those who eat *Ribā* (usury) will not stand (on the Day of Resurrection) except like standing of a person beaten by *Shaitan* (Satan) leading him to insanity.

That is because they say: Trading is only like *Riba* (usury). Whereas Allāh has permitted trading and forbidden *Ribā*

(٢٤) بابُ آكِلِ الرِّبا وشاهِدِهِ وكاتِبِهِ،

وقَوْلِ اللهِ تَعالى: ﴿ٱلَّذِينَ يَأْكُلُونَ ٱلرِّبَوٰا۟ لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ ٱلَّذِى يَتَخَبَّطُهُ ٱلشَّيْطَـٰنُ مِنَ ٱلْمَسِّ ذَٰلِكَ بِأَنَّهُمْ قَالُوٓا۟ إِنَّمَا ٱلْبَيْعُ مِثْلُ ٱلرِّبَوٰا۟ وَأَحَلَّ ٱللَّهُ ٱلْبَيْعَ وَحَرَّمَ ٱلرِّبَوٰا۟ فَمَن جَآءَهُۥ مَوْعِظَةٌ

(1) (Chap.23) "*Ribā*": See the glossary.

(usury). "So, whosoever receives an admonition from his Lord and stops eating *Ribā* (usury) shall not be punished for the past; his case is for Allāh (to judge); but whoever returns [to *Ribā* (usury)], such are the dwellers of the Fire-they will abide therein." (V.2:275)

مِّن رَّبِّهِۦ فَٱنتَهَىٰ فَلَهُۥ مَا سَلَفَ وَأَمْرُهُۥٓ إِلَى ٱللَّهِ ۖ وَمَنْ عَادَ فَأُو۟لَٰٓئِكَ أَصْحَٰبُ ٱلنَّارِ ۖ هُمْ فِيهَا خَٰلِدُونَ ﴿٢٧٥﴾ [البقرة: ٢٧٥].

2084. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: When the last Verses of *Sūrat Al-Baqarah* were revealed, the Prophet ﷺ recited them in the mosque and proclaimed the trade of alcohol i.e., liquors as illegal.[1]

٢٠٨٤ - **حَدَّثَنَا** مُحَمَّدُ بنُ بَشَّارٍ: عن غُنْدَرٌ: عَن شُعْبَة، عَنْ مَنْصُورٍ، عَنْ أَبي الضُّحَى عَنْ مَسْرُوقٍ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنها قالَتْ: لَمَّا نَزَلَتْ آخِرُ البَقَرَةِ قَرَأَهُنَّ النَّبِيُّ ﷺ عَلَيْهِمْ في المَسْجِدِ ثُمَّ حَرَّمَ التِّجارَةَ في الخَمْرِ. [راجع: ٤٥٩]

2085. Narrated Samura bin Jundab رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "This night I dreamt that two men came and took me to a sacred land whence we proceeded on till we reached a river of blood, and in it (its middle) there was a man, and on its bank was standing another man with stones in his hands. The man in the middle of the river tried to come out, but the other threw a stone in his mouth and forced him to go back to his original place. So, whenever he tried to come out, the other man would throw a stone in his mouth and force him to go back to his former place. I asked, 'Who is this?' I was told, 'The person in the river was a *Ribā*-eater.'"

٢٠٨٥ - **حَدَّثَنَا** مُوسَى بنُ إسمَاعيلَ: حدَّثنا جَرِيرُ بنُ حازِمٍ: حدَّثَنا أَبُو رَجاءٍ، عَنْ سَمُرَةَ بنِ جُنْدُبٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ ﷺ: «رَأَيْتُ اللَّيْلَةَ رَجُلَينِ أَتَياني فَأَخْرَجاني إلى أَرْضٍ مُقَدَّسَةٍ فانْطَلَقْنا حَتَّى أَتَيْنا عَلى نَهْرٍ منْ دَمٍ فِيهِ رَجُلٌ قائِمٌ، وعَلى وسطِ النَّهْرِ رَجُلٌ بَينَ يَدَيْهِ حِجارَةٌ، فَأَقْبَلَ الرَّجُلُ الَّذِي في النَّهْرِ فإذَا أَرادَ أَنْ يَخْرُجَ رَمَى الرَّجُلُ بِحَجَرٍ من الحجارة فِيهِ فَرَدَّهُ حَيْثُ كانَ، فَجَعَلَ كُلَّما جاءَ لِيَخْرُجَ رَمى في فِيهِ بِحَجَرٍ فَيَرْجِعُ كما كانَ. فَقُلْتُ ما هذَا؟ فَقالَ: الَّذِي رَأَيْتَهُ في النَّهْرِ: آكِلُ الرِّبا». [راجع: ٨٤٥]

(1) (H. 2084) Imām Al-Bukhārī includes this *Hadīth* here because the last Verses of *Sūrat Al-Baqarah* deal with the topic of *Ribā*, too.

(25) CHAPTER. (The sin of) the *Ribā*-giver.

As is referred to in the Statement of Allāh تعالى:

"O you who believe! Be afraid of Allāh and give up what remains (due to you) from *Ribā* (usury) (from now onwards), if you are (really) believers. And if you do not do it, then take a notice of war from Allah and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums). And if the debtor is in a hard time (has no money), then grant him time till it is easy for him to repay, but if you remit it by way of charity, that is better for you if you did but know. And be afraid of the Day when you shall be brought back to Allah. Then every person shall be paid what he earned, and they shall not be dealt with unjustly." (V.2:278-281)

Ibn Abbās said, "This was the last Verse revealed to the Prophet ﷺ."

(٢٥) **بابٌ** مُوكِلِ الرِّبا لِقَوْلِ اللهِ عَزَّ وجَلَّ: ﴿يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ ٱتَّقُوا۟ ٱللَّهَ وَذَرُوا۟ مَا بَقِىَ مِنَ ٱلرِّبَوٰٓا۟ إِن كُنتُم مُّؤْمِنِينَ ﴿٢٧٨﴾ فَإِن لَّمْ تَفْعَلُوا۟ فَأْذَنُوا۟ بِحَرْبٍ مِّنَ ٱللَّهِ وَرَسُولِهِۦ ۖ وَإِن تُبْتُمْ فَلَكُمْ رُءُوسُ أَمْوَٰلِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ ﴿٢٧٩﴾ وَإِن كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ ۚ وَأَن تَصَدَّقُوا۟ خَيْرٌ لَّكُمْ ۖ إِن كُنتُمْ تَعْلَمُونَ ﴿٢٨٠﴾ وَٱتَّقُوا۟ يَوْمًا تُرْجَعُونَ فِيهِ إِلَى ٱللَّهِ ۖ ثُمَّ تُوَفَّىٰ كُلُّ نَفْسٍ مَّا كَسَبَتْ وَهُمْ لَا يُظْلَمُونَ ﴿٢٨١﴾﴾ [البقرة: ٢٧٨ - ٢٨١]

وقالَ ابنُ عَبَّاسٍ: هذِهِ آخِرُ آيَةٍ نَزَلَتْ على النَّبيِّ ﷺ.

2086. Narrated 'Aūn bin Abū Juḥaifa: My father bought a slave who practised the profession of cupping. (My father broke the slave's instruments of cupping). I asked my father why he had done so. He replied, "The Prophet ﷺ forbade the acceptance of the price of a dog or blood, and also forbade the profession of tattooing, or getting tattooed and the eater of *Ribā*, (usury) and also the one who gives it, and cursed the picture-makers."

[See *Ḥadīth* No. 2238]

٢٠٨٦ - **حَدَّثَنَا** أَبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ، عَنْ عَوْنِ بنِ أَبي جُحَيْفَةَ، قالَ: رَأَيْتُ أَبي اشْتَرَى عَبْداً حَجّاماً، فَسَأَلْتُهُ فَقالَ: نَهَى النَّبِيُّ ﷺ عَنْ ثَمنِ الكَلْبِ وثَمنِ الدَّمِ. ونَهَى عَنِ الواشمةِ والمَوْشُومَةِ، وآكِلِ الرِّبا ومُوكِلِهِ، ولَعَنَ المُصوِّرَ. [انظر: ٢٢٣٨، ٥٣٤٧، ٥٩٤٥، ٥٩٦٢]

(26) CHAPTER.: "Allāh will destroy *Ribā* (usury) and will give increase for *Ṣadaqat* (deeds of charity, alms). And Allāh likes not the disbelievers, sinners!" (V.2:276)

(٢٦) **بابٌ**: ﴿يَمْحَقُ ٱللَّهُ ٱلرِّبَوٰا۟ وَيُرْبِى ٱلصَّدَقَـٰتِ ۗ وَٱللَّهُ لَا يُحِبُّ كُلَّ كَفَّارٍ أَثِيمٍ ﴿٢٧٦﴾﴾ [البقرة: ٢٧٦].

2087. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: I heard Allāh's Messenger ﷺ saying, "The

٢٠٨٧ - **حَدَّثَنَا** يَحْيى بنُ بُكَيرٍ:

حدَّثَنا اللَّيْثُ، عَنْ يُونُسَ، عَنِ ابنِ شِهابٍ، قالَ ابنُ المُسَيَّبِ: إنَّ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «الحَلِفُ مُنَفِّقَةٌ للسِّلعَةِ مَمْحَقَةٌ للبَرَكَةِ».

swearing (by the seller) may persuade the buyer to purchase the goods but that will be deprived of Allāh's Blessing."[1]

(٢٧) **بابُ مَا يُكْرَهُ مِنَ الحَلِفِ في البَيْعِ**

(27) CHAPTER. What is disapproved of as regards giving oaths (swearing) while selling.

٢٠٨٨ - **حَدَّثَنا** عَمْرُو بنُ مُحَمَّدٍ: حدَّثَنا هُشَيْمٌ: أَخبرَنا العَوَّامُ، عَنْ إبْراهِيمَ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ عَبْدِ اللهِ ابنِ أبي أَوْفَى رَضِيَ اللهُ عَنْهُ: أَنَّ رَجُلاً أَقامَ سِلْعَةً وهُوَ في السُّوقِ فَحَلَفَ باللهِ لَقَدْ أَعْطَى بِها مَا لَمْ يُعْطِ لِيُوقِعَ فِيها رَجُلاً مِنَ المُسْلِمِينَ، فَنَزَلَتْ: ﴿إِنَّ ٱلَّذِينَ يَشْتَرُونَ بِعَهْدِ ٱللَّهِ وَأَيْمَـٰنِهِمْ ثَمَنًا قَلِيلًا﴾ [آل عمران: ٧٧].

[انظر: ٢٦٧٥، ٤٥٥١]

2088. Narrated 'Abdullāh bin Abū Aūfa رَضِيَ اللهُ عَنْهُ: A man displayed some goods in the market and swore by Allāh that he had been offered so much for that, that which was not offered, and he said that, so as to cheat a Muslim. On that occasion the following Verse was revealed:

"Verily! Those who purchase a small gain at the cost of Allāh's Covenant and their oaths..." (V.3:77)

(٢٨) **بابُ مَا قِيلَ في الصَّوَّاغِ**

(28) CHAPTER. What is said about the goldsmiths.

وقالَ طاوُسٌ عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: قالَ النَّبِيُّ ﷺ: «لا يُخْتَلى خَلَاها». وقالَ العَبَّاسُ: إلَّا الإذْخِرَ، فإنَّهُ لِقَيْنِهِمْ وبُيُوتِهِمْ. فَقالَ: «إلَّا الإذْخِرَ».

Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "Do not cut the shrubs of Makkah." Al-'Abbās said, "Except *Al-Idhkhir* (a kind of grass). It is used by their blacksmith and for their houses." The Prophet ﷺ said, "Except *Al-Idhkhir*."

٢٠٨٩ - **حَدَّثَنا** عَبْدانُ: أَخْبرَنا عَبْدُ اللهِ: أَخْبرَنا يُونُسُ، عَنِ ابنِ

2089. Narrated 'Alī رَضِيَ اللهُ عَنْهُ: I got an old she-camel as my share from the booty, and the Prophet ﷺ had given me another

(1) (H. 2087) *Hadīth* No. 2087 confirms the fact that what you earn illegally, decreases ultimately, for it will be deprived of Allāh's Blessing and it will result in bringing about punishment in the Hereafter; while what you give in charity will be compensated for by the Blessing of Allāh many times, and you will be rewarded for it in the Hereafter as well.

from *Al-Khumus*. And when I intended to marry Fāṭima رَضِيَ اللهُ عَنْهَا (daughter of the Prophet ﷺ), I arranged that a goldsmith from the tribe of Banī Qainuqā‘ would accompany me in order to bring *Idhkhir* and then sell it to the goldsmiths and use its price for my marriage banquet.

شِهابٍ قالَ: أَخْبَرَني عَليُّ بنُ حُسَيْنٍ: أَنَّ حُسَيْنَ ابنَ عَلِيٍّ رَضِيَ اللهُ عَنْهُما أَخْبَرَهُ: أَن عَلِيًّا قالَ: كانَتْ لي شارِفٌ مِنْ نَصِيبي مِنَ المَغْنَمِ، وكانَ النَّبيُّ ﷺ أَعْطاني شارِفاً مِنَ الخُمُسِ، فَلَمَّا أَرَدْتُ أَنْ أَبْتَنيَ بِفاطِمَةَ بِنْتِ رَسُولِ اللهِ ﷺ وَاعَدْتُ رَجُلاً صَوَّاغاً مِنْ بَني قَيْنُقاعَ أَنْ يَرْتَحِلَ مَعِي فَنأْتيَ بِإِذْخِرٍ أَرَدْتُ أَنْ أَبِيعَهُ مِنَ الصَّوَّاغِينَ وأَسْتَعِينَ بِهِ في ولِيمَةِ عُرْسِي. [انظر: ٢٣٧٥، ٣٠٩١، ٤٠٠٣، ٥٧٩٣]

2090. Narrated Ibn ‘Abbās رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Allāh made Makkah a sanctuary and it was neither permitted for anyone before, nor will it be permitted for anyone after me (to fight in it). And fighting in it was made legal for me for a few hours of a day only. None is allowed to uproot its thorny shrubs or to cut down its trees or to chase its game or to pick up its *Luqaṭa* (fallen things) except by a person who would announce it publicly." ‘Abbās bin ‘Abdul-Muṭṭlib requested the Prophet ﷺ, "Except *Al-Idhkhir*, for our goldsmiths and for the roofs of our houses." The Prophet ﷺ said, "Except *Al-Idhkhir*." ‘Ikrima said, "Do you know what is meant by chasing its game? It is to drive it out of the shade and to sit in its place." Khālid said, "(‘Abbās said: *Al-Idhkhir*) for our goldsmiths and our graves."

٢٠٩٠ - حَدَّثَنا إِسحاقُ: حدَّثَنا خالِدُ بنُ عَبْدِ اللهِ، عَنْ خالِدٍ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «إِنَّ اللهَ حَرَّمَ مَكَّةَ ولَمْ تَحِلَّ لأَحَدٍ قَبْلي ولا لأَحَدٍ بَعْدِي، وَإِنَّما أُحِلَّتْ لي ساعَةً مِنْ نَهارٍ لا يُخْتَلَى خَلاها، ولا يُعْضَدُ شَجَرُها، ولا يُنَفَّرُ صَيْدُها، ولا يُلْتَقَطُ لُقَطَتُها إِلَّا لِمُعَرِّفٍ». وقالَ عَبَّاسُ بنُ عَبْدِ المُطَّلِبِ: إِلَّا الإِذْخِرَ لِصاغَتِنا ولِسُقُفِ بُيُوتِنا، فَقالَ: «إِلَّا الإِذْخِرَ». فَقالَ عِكْرِمَةُ: هَلْ تَدْرِي ما «يُنَفَّرُ صَيْدُها؟» هُوَ أَنْ تُنَحِّيَهُ مِنَ الظِّلِّ وتَنزِلَ مَكانَهُ. قالَ عَبْدُ الوَهَّابِ، عَنْ خالِدٍ: لِصاغَتِنا وقُبُورِنا. [راجع: ١٣٤٩]

(29) CHAPTER. The mentioning of blacksmiths.

(٢٩) بابُ ذِكْرِ القَينِ والحَدَّادِ

2091. Narrated Khabbāb رَضِيَ اللهُ عَنْهُ: I was a blacksmith in the Pre-Islāmic Period of Ignorance, and 'Aaṣ bin Wā'il owed me some money, so I went to him to demand it. He said (to me), "I will not pay you unless you disbelieve Muḥammad (ﷺ)." I said, "I will not disbelieve till Allāh kills you and then you get resurrected." He said, "Leave me till I die and get resurrected, then I will be given wealth and children and I will pay you your debt." On that occasion it was revealed to the Prophet ﷺ: "Have you seen him who disbelieved in Our *Ayāt* (this Qur'ān and Muḥammad ﷺ) and said: 'I shall certainly be given wealth and children [(if I will be alive (again)]'? Has he known the unseen, or has he taken a covenant from the Most Gracious (Allāh)?" (V.19:77,78)

٢٠٩١ - حدَّثني مُحَمَّدُ بنُ بَشَّارٍ: حدَّثنا ابنُ أَبي عَدِيٍّ، عَنْ شُعْبَةَ، عَنْ سُلَيمانَ، عَنْ أَبي الضُّحَى عَنْ مَسْرُوقٍ، عَنْ خَبَّابٍ قالَ: كُنْتُ قَيْناً في الجاهِلِيَّةِ وكانَ لي عَلى العاصِي ابنِ وائِلٍ دَيْنٌ فأَتَيْتُهُ أَتَقاضاهُ، قالَ: لا أُعْطِيكَ حتَّى تَكْفُرَ بمُحَمَّدٍ ﷺ، فَقُلْتُ: لا أَكْفُرُ حتَّى يُمِيتَكَ اللهُ ثُمَّ تُبْعَثَ. قالَ: دَعْني حتَّى أَمُوتَ وأُبْعَثَ فَسأُوتى مَالاً وَولداً فأَقْضِيكَ فَنَزَلَتْ: ﴿أَفَرَءَيْتَ ٱلَّذِى كَفَرَ بِـَٔايَـٰتِنَا وَقَالَ لَأُوتَيَنَّ مَالًا وَوَلَدًا ﴿٧٧﴾ أَطَّلَعَ ٱلْغَيْبَ أَمِ ٱتَّخَذَ عِندَ ٱلرَّحْمَـٰنِ عَهْدًا ﴿٧٨﴾﴾ [مريم: ٧٧ - ٧٨]. [انظر: ٢٢٧٥، ٢٤٢٥، ٤٧٣٢، ٤٧٣٣، ٤٧٣٤، ٤٧٣٥]

(30) CHAPTER. The mentioning of the tailor.

(٣٠) بابُ الخَيَّاطِ

2092. Narrated Isḥāq bin 'Abdullāh bin Abū Ṭalḥā: I heard Anas bin Mālik رَضِيَ اللهُ عَنْهُ saying, "A tailor invited Allāh's Messenger ﷺ to a meal which he had prepared." Anas bin Mālik رَضِيَ اللهُ عَنْهُ said, "I accompanied Allāh's Messenger ﷺ to that meal. He served the Prophet ﷺ with bread and soup made with gourd and dried meat. I saw the Prophet ﷺ taking the pieces of gourd from the dish." Anas added, "Since that day I have continued to like gourd."

٢٠٩٢ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالكٌ، عَنْ إِسحاقَ بنِ عَبْدِ اللهِ ابنِ أَبي طَلْحَةَ: أَنَّهُ سَمِعَ أَنَسَ بنَ مالكٍ رَضِيَ اللهُ عَنْهُ يَقُولُ: إِنَّ خَيَّاطاً دَعا رَسُولَ اللهِ ﷺ لِطَعامٍ صَنَعَهُ، قالَ أَنَسُ ابنُ مالكٍ رَضِيَ اللهُ عَنْهُ: فَذَهَبْتُ مَعَ رَسُولِ اللهِ ﷺ إلى ذلكَ الطَّعامِ، فَقَرَّبَ إلى رَسُولِ اللهِ

ﷺ خُبزاً ومَرَقاً فيهِ دُبَّاءٌ وقَدِيدٌ، فرَأيْتُ النَّبِيَّ ﷺ يَتَتَبَّعُ الدُّبَّاءَ مِنْ حَوالَي القَصْعَةِ. قالَ: فَلَمْ أَزَلْ أُحِبُّ الدُّبَّاءَ مِنْ يَوْمِئِذٍ. [انظر: ٥٣٧٩، ٥٤٢٠، ٥٤٣٣، ٥٤٣٥، ٥٤٣٧، ٥٤٣٩]

(31) CHAPTER. The weaver.

(٣١) بابُ النَّسَّاجِ

2093. Narrated Abū Ḥāzim: I heard Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ saying, "A woman brought a *Burda* (i.e., a square piece of cloth having frills). I asked, 'Do you know what a *Burda* is?' They replied in the affirmative and said, 'It is a cloth sheet with woven margins.'" Sahl went on, "She addressed the Prophet ﷺ and said, 'I have woven it with my hands for you to wear.' The Prophet ﷺ took it as he was in need of it, and came to us wearing it as a waist sheet. A man from those (who were present there) said, 'O Allāh's Messenger! Give it to me to wear.' The Prophet ﷺ agreed to give it to him. The Prophet ﷺ sat with the people for a while and then returned (home), wrapped that waist sheet and sent it to him. The people said to that man, 'You have not done well by asking him for it when you know that he never turns down anybody's request.' The man replied, 'By Allāh, I have not asked him for it except to use it as my shroud when I die.'" Sahl added; "Later it (i.e., that sheet) was his shroud."

٢٠٩٣ - حَدَّثَنا يَحْيى بنُ بُكَيرٍ: حدَّثَنا يَعْقُوبُ بنُ عَبْدِ الرَّحْمٰنِ، عَنْ أبي حازِمٍ قالَ: سَمِعْتُ سَهْلَ بنَ سَعْدٍ رَضِيَ اللهُ عَنْهُ قالَ: جاءَتِ امْرَأةٌ بِبُرْدَةٍ، قالَ: أتَدْرُونَ ما البُرْدَةُ؟ فَقِيلَ لَهُ: نَعَمْ، هِيَ الشَّمْلَةُ مَنْسُوجَةٌ في حاشِيَتِها، قالَتْ: يا رَسُولَ اللهِ، إنِّي نَسَجْتُ هذِهِ بِيَدِي أَكْسُوكَها. فأخَذَها النَّبِيُّ ﷺ مُحْتاجاً إلَيها فَخَرَجَ إلَيْنا وإنَّها إزارُهُ. فَقالَ رَجُلٌ مِنَ القَوْمِ: يا رَسُولَ اللهِ، اكْسُنِيها. فَقالَ: «نَعَمْ»، فَجَلَسَ النَّبِيُّ ﷺ في المَجلِسِ ثُمَّ رَجَعَ فَطَوَاها، ثُمَّ أَرْسَلَ بِها إلَيْهِ. فَقالَ لَهُ القَوْمُ: مَا أَحْسَنْتَ سَأَلْتَها إيَّاهُ، لَقَدْ عَرَفْتَ أنَّهُ لا يَرُدُّ سائِلاً. فَقالَ الرَّجُلُ: واللهِ مَا سَأَلْتُهُ إلَّا لِتَكُونَ كَفَنِي يَوْمَ أَمُوتُ، قَالَ سَهْلٌ: فَكانَتْ كَفَنَهُ. [راجع: ١٢٧٧]

(32) CHAPTER. The carpenter.

(٣٢) بابُ النَّجَّارِ

2094. Narrated Abū Ḥāzim: Some men came to Sahl bin Sa'd to ask him about the pulpit. He replied, "Allāh's Messenger ﷺ sent for a woman (Sahl named her) (this message): 'Order your slave carpenter to

٢٠٩٤ - حَدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا عَبْدُ العَزِيزِ، عَنْ أبي حازِمٍ قالَ: أتَى رِجالٌ سَهْلَ بنَ سَعْدٍ

يَسألُونَهُ عَنِ المِنْبرِ، فَقالَ: بَعَثَ رَسُولُ اللهِ ﷺ إلى فُلانَةٍ - امْرَأةٍ قَدْ سَمَّاها سَهْلٌ - أنْ «مُري غُلامَكِ النَّجَّارَ يَعْمَلُ لي أعْواداً أجْلِسُ عَلَيْهِنَّ إذَا كَلَّمْتُ النَّاسَ»، فَأمَرَتْهُ يَعْمَلُها مِنْ طَرْفاءِ الغابَةِ. ثُمَّ جاءَ بِها فأرْسَلَتْ إلى رَسُولِ اللهِ ﷺ بِها فَأمَرَ بِها فَوُضِعَتْ فَجَلَسَ عَلَيْهِ. [راجع: ٣٧٧]

make pieces of wood (i.e., a pulpit) for me so that I may sit on it while addressing the people.' So, she ordered him to make it from the tamarisk of the forest. He brought it to her and she sent it to Allāh's Messenger ﷺ. Allāh's Messenger ﷺ ordered it to be placed in the mosque. So, it was put and he sat on it.

٢٠٩٥ - حَدَّثَنا خَلَّادُ بنُ يَحْيى: حدَّثَنا عَبْدُ الواحِدِ بنُ أيْمَنَ، عَنْ أبِيهِ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: أنَّ امْرَأةً مِنَ الأنْصارِ قالَتْ لِرَسُولِ اللهِ ﷺ: يا رَسُولَ اللهِ، ألا أجْعَلُ لكَ شَيْئاً تَقْعُدُ عَلَيْهِ؟ فإنَّ لي غُلاماً نَجَّاراً، قالَ: «إنْ شِئْتِ»، فَعَمِلَتْ لهُ المِنْبَرَ. فَلَمَّا كانَ يَوْمُ الجُمُعَةِ قَعَدَ النَّبِيُّ ﷺ عَلى المِنْبَرِ الَّذي صُنِعَ فَصاحَتِ النَّخْلَةُ الَّتِي كانَ يَخْطُبُ عِنْدَها حَتَّى كادَتْ أنْ تَنْشَقَّ، فَنَزَلَ النَّبِيُّ ﷺ حَتَّى أخَذَها فَضَمَّها إلَيْهِ، فَجَعَلَتْ تَئِنُّ أنِينَ الصَّبِيِّ الَّذي يُسَكَّتُ حَتَّى اسْتَقَرَّتْ. قالَ: «بَكَتْ عَلى مَا كانَتْ تَسْمَعُ مِنَ الذِّكْرِ».

[راجع: ٤٤٩]

2095. Narrated Jābir bin 'Abdullāh رَضِيَ الله عَنْهُما: An *Anṣārī* woman said to Allāh's Messenger ﷺ, "O Allāh's Messenger! Shall I make something for you to sit on, as I have a slave who is a carpenter?" He replied, "If you wish." So, she got a pulpit made for him. When it was Friday, the Prophet ﷺ sat on that pulpit. The date-palm stem, near which the Prophet ﷺ used to deliver his *Khuṭba* (religious talks), cried so-much-so that it was about to burst. The Prophet ﷺ came down from the pulpit to the stem and embraced it and it started groaning like a child being persuaded to stop crying and then it stopped crying. The Prophet ﷺ said, "It has cried because of (missing) what it used to hear of the religious knowledge."

(See Vol. 4, *Ḥadīth* No. 3583).

(٣٣) بابُ شِراءِ الإمامِ الحَوائِجَ بِنَفْسِهِ

(33) CHAPTER. The purchase by the ruler of his necessities by himself.

وقالَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما: اشْتَرى النَّبِيُّ ﷺ جَمَلاً مِنْ عُمَرَ،

Ibn 'Umar رَضِيَ الله عَنْهُما said, "The Prophet ﷺ bought a camel from 'Umar." Ibn 'Umar رَضِيَ الله عَنْهُما purchased (goods) by himself.

'Abdur-Raḥmān bin Abū Bakr رَضِيَ الله عَنْهُما said: "A *Mushrik* came with sheep and the Prophet ﷺ bought a sheep from him and (the Prophet ﷺ also bought) a camel from Jābir."

واشْتَرَى ابنُ عُمَرَ بِنَفْسِهِ. وقالَ عَبْدُ الرَّحْمٰنِ بنُ أَبي بَكْرٍ رَضِيَ الله عَنْهُما: جاءَ مُشْرِكٌ بِغَنَمٍ فاشْتَرَى النَّبِيُّ ﷺ مِنْهُ شاةً، واشْتَرَى مِنْ جابِرٍ بَعِيراً.

2096. Narrated 'Āishah رَضِيَ الله عَنْهَا: Allāh's Messenger ﷺ bought food grains from a Jew on credit and mortgaged his armour to him.

٢٠٩٦ - حَدَّثَنا يُوسُفُ بنُ عِيسَى: حدَّثنا أَبُو مُعاوِيَةَ: حدَّثنا الأَعْمَشُ، عَنْ إِبْرَاهِيمَ، عَنِ الأَسْوَدِ، عَنْ عائِشَةَ رَضِيَ الله عَنْها قالَت: اشْتَرَى رَسُولُ اللهِ ﷺ مِنْ يَهُودِيٍّ طَعاماً بِنَسِيئَةٍ ورَهَنَهُ دِرْعَهُ.

[راجع: ٢٠٦٨]

(34) CHAPTER. The purchase of animals and donkeys.

(٣٤) بابُ شِراءِ الدَّوابِّ والحَمِيرِ

If somebody buys an animal or a camel and the seller is still riding over it, will the bargain be regarded as settled before the seller gets down from it?

وإِذَا اشْتَرَى دَابَّةً أَوْ جَمَلاً وهُوَ عَلَيْهِ، هَلْ يَكُونُ ذلكَ قَبْضاً قَبْلَ أَنْ يَنزِلَ؟

Ibn 'Umar رَضِيَ الله عَنْهُما said, "The Prophet ﷺ told 'Umar to sell that unmanageable (untamed) camel to him."

وقالَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما، قالَ النَّبِيُّ ﷺ لِعُمَرَ: «بِعْنِيهِ»، يَعْني جَمَلاً صَعْباً.

2097. Narrated Jābir bin 'Abdullāh رَضِيَ الله عَنْهُما: I was with the Prophet ﷺ in a *Ghazwa* (military expedition) and my camel was slow and exhausted. The Prophet ﷺ came up to me and said, "O Jābir." I replied, "Yes?" He said, "What is the matter with you?" I replied, "My camel is slow and tired, so I am left behind." So, he got down and poked the camel with his stick and then ordered me to ride. I rode the camel and it became so fast that I had to hold it from going ahead of Allāh's Messenger ﷺ. He then asked me, "Have you got married?" I replied in the affirmative. He asked, "A virgin or a

٢٠٩٧ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا عَبْدُ الوَهَّابِ: حدَّثَنا عُبَيْدُ اللهِ، عَنْ وَهْبِ بنِ كَيْسانَ عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ في غَزَاةٍ فَأَبْطَأَ بي جَمَلي وأَعْيا، فأَتَى عَلَيَّ النَّبِيُّ ﷺ فَقالَ: «جابِرٌ؟» فَقُلْتُ: نَعَمْ. قالَ: «ما شَأْنُكَ؟» قُلْتُ: أَبْطَأَ عَلَيَّ جَمَلي وأَعْيا فَتَخَلَّفْتُ، فَنَزَلَ يَحْجُنُهُ

matron?" I replied, "I married a matron." The Prophet ﷺ said, "Why have you not married a virgin, so that you may play with her and she may play with you?" Jābir replied, "I have sisters (young in age) so I liked to marry a matron who could collect them all and comb their hair and look after them." The Prophet ﷺ said, "You will reach (home), so when you have arrived (at home), I advise you to associate with your wife (that you may have an intelligent son)." Then he asked me, "Would you like to sell your camel?"I replied in the affirmative and the Prophet ﷺ purchased it for one *Uqīya* of gold. Allāh's Messenger ﷺ reached (Al-Madina) before me and I reached in the morning, and when I went to the mosque, I found him at the door of the mosque. He asked me, "Have you arrived just now?" I replied in the affirmative. He said, "Leave your camel and come into (the mosque) and offer a two *Rak'ā* (prayer)." I entered and offered the *Ṣalāt* (prayer). He told Bilāl to weigh and give me one *Uqīya* of gold. So, Bilāl weighed for me fairly and I went away. The Prophet ﷺ sent for me and I thought that he would return to me my camel which I hated more than anything else. But the Prophet ﷺ said to me, "Take your camel as well as its price."

بِمِحْجَنِهِ، ثُمَّ قَالَ: «ارْكَبْ» فَرَكِبْتُ فَلَقَدْ رَأَيْتُهُ أَكُفُّهُ عَنْ رَسُولِ اللهِ ﷺ، قَالَ: «تَزَوَّجْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «بِكْراً أَمْ ثَيِّباً؟» قُلْتُ: بَلْ ثَيِّباً. قَالَ: «أَفَلا جَارِيَةً تُلاعِبُهَا وتُلاعِبُكَ؟» قُلْتُ: إِنَّ لِي أَخَوَاتٍ فَأَحْبَبْتُ أَنْ أَتَزَوَّجَ امْرَأَةً تَجْمَعُهُنَّ وتَمْشُطُهُنَّ وتَقُومُ عَلَيْهِنَّ. قَالَ: «أَمَا إِنَّكَ قَادِمٌ، فَإِذَا قَدِمْتَ فَالكَيْسَ الكَيْسَ»، ثُمَّ قَالَ: «أَتَبِيعُ جَمَلَكَ؟» قُلْتُ: نَعَمْ، فَاشْتَرَاهُ مِنِّي بِأُوقِيَّةٍ. ثُمَّ قَدِمَ رَسُولُ اللهِ ﷺ قَبْلِي وقَدِمْتُ بِالغَدَاةِ فَجِئْنَا إِلَى المَسْجِدِ فَوَجَدْتُهُ عَلَى بَابِ المَسْجِدِ. قَالَ: «الآنَ قَدِمْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «فَدَعْ جَمَلَكَ فَادْخُلْ فَصَلِّ رَكْعَتَيْنِ». فَدَخَلْتُ فَصَلَّيْتُ فَأَمَرَ بِلالاً أَنْ يَزِنَ لَهُ أُوقِيَّةً. فَوَزَنَ لِي بِلالٌ فَأَرْجَحَ فِي المِيزَانِ، فَانْطَلَقْتُ حَتَّى وَلَّيْتُ فَقَالَ: «ادْعُوا لِي جَابِراً»، قُلْتُ: الآنَ يَرُدُّ عَلَيَّ الجَمَلَ ولَمْ يَكُنْ شَيْءٌ أَبْغَضَ إِلَيَّ مِنْهُ، قَالَ: «خُذْ جَمَلَكَ ولَكَ ثَمَنُهُ». [راجع: ٤٤٣]

(35) CHAPTER. The markets of the Pre-Islāmic Period of Ignorance where the people continued to trade after embracing Islām.

(٣٥) بابُ الأَسْوَاقِ الَّتِي كَانَتْ فِي الجاهِلِيَّةِ فَتَبَايَعَ بِهَا النَّاسُ فِي الإِسْلامِ.

2098. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: 'Ukāz, Majanna and Dhul-Majāz were markets in the Pre-Islāmic Period of Iqnorance. When the people embraced Islām, they considered it a sin to trade

٢٠٩٨ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثنا سُفْيانُ، عَنْ عَمْرِو بن دِينار عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما

قالَ: «كانَتْ عُكاظٌ ومَجَنَّةُ وذُو المجازِ أسْواقاً في الجاهِلِيَّةِ، فَلَمَّا كانَ الإسْلامُ تَأَثَّمُوا مِنَ التِّجارَةِ فِيها. فأَنْزَلَ اللهُ: ﴿لَيْسَ عَلَيْكُمْ جُنَاحٌ﴾ في مَوَاسِمِ الحَجِّ. قَرَأَ ابنُ عَبَّاسٍ كَذَا. [راجع: ١٧٧٠]

there. So, the following Verse came:

"There is no sin on you if you seek the Bounty of your Lord (during pilgrimage by trading etc.)..." (V.2:198)

Ibn 'Abbās recited it like this.

(٣٦) **بابٌ** شِراءِ الإبِلِ الهِيمِ أوِ الأجْرَبِ.

الهائِمُ: المُخالِفُ للقَصْدِ في كُلِّ شَيْءٍ.

(36) CHAPTER. Purchasing of camel suffering from skin disease or disease causing severe thirst.

٢٠٩٩ - حَدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ قالَ: قالَ عَمْرٌو: كانَ هٰهُنا رَجُلٌ اسمُهُ نَوَّاسٌ وكانَتْ عِنْدَهُ إبِلٌ هِيمٌ، فَذَهَبَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما فَاشْتَرَى تِلْكَ الإبِلَ مِنْ شَرِيكٍ لهُ فَجاءَ إلَيْهِ شَرِيكُهُ فَقالَ: بِعْنا تِلْكَ الإبِلَ، فَقالَ: مِمَّنْ بِعْتَها؟ فَقالَ: مِنْ شَيْخٍ كَذَا وكَذَا، فَقالَ: ويْحكَ ذاكَ واللهِ ابنُ عُمَرَ فَجاءَهُ فَقالَ: إنَّ شرِيكي بَاعكَ إبِلاً هِيماً ولَمْ يَعْرِفْكَ، قالَ: فاسْتَقْها، قالَ: فَلَمَّا ذَهَبَ يَسْتاقُها: فَقالَ: دَعْها، رَضِينا بِقَضَاءِ رَسُولِ اللهِ ﷺ: لا عَدْوَى»، سَمِعَ سُفْيانُ عَمْراً. [انظر: ٢٨٥٨، ٥٠٩٣، ٥٠٩٤، ٥٧٥٣، ٥٧٧٢]

2099. Narrated 'Amr: Here (i.e., in Makkah) there was a man called Nawwās and he had camels suffering from a disease causing excessive and unquenchable thirst. Ibn 'Umar رَضِيَ اللهُ عَنْهُما went to the partner of Nawwās and bought those camels. The man returned to Nawwās and told him that he had sold those camels. Nawwās asked him, "To whom have you sold them?" He replied, "To such and such Sheikh." Nawwās said, "Woe to you; By Allāh, that Sheikh was Ibn 'Umar." Nawwās then went to Ibn 'Umar and said to him, "My partner sold you camels suffering from a disease causing excessive thirst and he had not known you." Ibn 'Umar told him to take them back. When Nawwās went to take them, Ibn 'Umar said to him, "Leave it as I am happy with the decision of Allāh's Messenger ﷺ that there is no *'Adwā* (i.e., no contagious disease is conveyed to others without Allāh's Permission)."

(٣٧) **بابٌ** بَيْعِ السِّلاحِ في الفِتْنَةِ وغَيرِها.

(37) CHAPTER. Selling of arms during the period of *Al-Fitnah* (trial, affliction) and otherwise.

'Imrān bin Ḥuṣain hated the selling (of arms) during *Al-Fitnah* (trial, affliction).

وكَرِهَ عِمْرَانُ بنُ حُصَينٍ بَيْعَهُ في الفِتْنَةِ.

2100. Narrated Abū Qatāda رَضِيَ اللهُ عَنْهُ: We set out with Allāh's Messenger ﷺ in the year of (the battle of) Ḥunain, (the Prophet ﷺ gave me an armour). I sold that armour and bought a garden in the region of the tribe of Banī Salama and that was the first property I got after embracing Islām.

٢١٠٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالكٍ، عَنْ يَحْيى بنِ سَعِيدٍ، عن عُمَرَ بنِ كَثِيرٍ، عَنْ أبي مُحَمَّدٍ مَوْلى أبي قَتَادَةَ، عَنْ أبي قتادَةَ رَضِيَ اللهُ عَنْهُ قالَ: خَرَجْنا مَعَ رَسُولِ اللهِ ﷺ عَامَ حُنَينٍ فَبِعْتُ الدِّرْعَ فابْتَعْتُ بِهِ مَخْرَفاً في بَني سَلِمَةَ فإنَّهُ لأوَّلُ مَالٍ تَأَثَّلْتُهُ في الإسْلامِ. [انظر: ٣١٤٢، ٤٣٢١، ٤٣٢٢، ٧١٧٠]

(38) CHAPTER. (What is said) about the perfume seller and the selling of musk.

(٣٨) بابٌ: في العَطَّارِ وبَيْعِ المِسْكِ

2101. Narrated Abū Mūsa رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The example of a good companion (who sits with you) in comparison with a bad one, is like that of the owner of musk (perfume seller) and the owner of bellows (or furnace) (blacksmith); from the first you would either buy musk or enjoy its good smell, while the owner of bellows (blacksmith) would either burn your clothes or your house, or you get a bad nasty smell thereof."

٢١٠١ - حَدَّثَنَا مُوسَى بنُ إسمَاعِيلَ: حدَّثنا عَبْدُ الوَاحِدِ: حدَّثنا أَبُو بُرْدَةَ بنُ عَبْدِ اللهِ قالَ: سَمِعْتُ أبا بُرْدَةَ بنَ أَبي مُوسَى، عَنْ أَبِيهِ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «مَثَلُ الجَلِيسِ الصَّالحِ والجَلِيسِ السُّوءِ كمَثَلِ صَاحِبِ المِسْكِ وكِيرِ الحَدَّادِ، لا يَعْدَمُكَ مِنْ صَاحِبِ المِسْكِ إمَّا تَشْتَرِيهِ أَوْ تَجِدُ رِيحَهُ، وكِيرُ الحَدَّادِ يُحْرِقُ بَيْتَكَ أَوْ ثَوْبَكَ، أَوْ تَجِدُ مِنْهُ رِيحاً خَبِيثَةً». [انظر: ٥٥٣٤]

(39) CHAPTER. The mentioning of *Al-Ḥajjām* (i.e., the one who practises cupping).

(٣٩) بابُ ذِكْرِ الحَجَّامِ

2102. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Abu Ṭaiba cupped Allāh's Messenger ﷺ. So

٢١٠٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ

he (ﷺ) ordered that he be paid one *Ṣā‘* of dates and ordered his masters to reduce his tax (as he was a slave and had to pay a tax to them).

يُوسُفَ: أَخْبَرَنا مالكٌ، عَنْ حُمَيْدٍ، عَنْ أَنَسِ بنِ مالكٍ رَضِيَ اللهُ عَنْهُ قالَ: حَجَمَ أَبُو طَيْبَةَ رَسُولَ اللهِ ﷺ فأَمَرَ لَهُ بِصاعٍ مِنْ تَمْرٍ، وأَمَرَ أَهْلَهُ أَنْ يُخَفِّفُوا مِنْ خَرَاجِهِ. [انظر: ٢٢١٠، ٢٢٧٧، ٢٢٨٠، ٢٢٨١، ٥٦٩٦]

2103. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: Once the Prophet ﷺ got his blood out (medically) and paid that person who had done it. If it had been illegal, the Prophet ﷺ, would not have paid him.

٢١٠٣ - حَدَّثَنا مُسَدَّدٌ: حدَّثنا خالِدٌ - هُوَ ابنُ عَبْدِ اللهِ - حدَّثنا خالِدٌ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: احْتَجَمَ النَّبِيُّ ﷺ وأَعْطَى الَّذِي حَجَمَهُ، ولَوْ كانَ حَرَاماً لَمْ يُعْطِهِ. [راجع: ١٨٣٥]

(40) CHAPTER. The trade of cloth, the wearing of which is considered undesireable both for men and women.

(٤٠) بابُ التِّجارَةِ فِيما يُكْرَهُ لُبْسُهُ للرِّجالِ والنِّساءِ.

2104. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Once the Prophet ﷺ sent to 'Umar a silken two-piece garment, and when he saw 'Umar wearing it, he said to him, "I have not sent it to you to wear. It is worn by him who has no share in the Hereafter, and I have sent it to you so that you could benefit by it (i.e., sell it)."

٢١٠٤ - حَدَّثَنا آدَمُ: حدَّثنا شُعْبَةُ: حدَّثنا أَبُو بَكْرِ بنُ حَفْصٍ، عَنْ سالمِ بنِ عَبْدِ اللهِ ابنِ عُمَرَ، عَنْ أَبِيهِ قالَ: أَرْسَلَ النَّبِيُّ ﷺ إلى عُمَرَ رَضِيَ اللهُ عَنْهُ بِحُلَّةِ حَرِيرٍ أو سِيَرَاءَ فَرَآها عَلَيْهِ فَقالَ: «إِنِّي لَمْ أُرْسِلْ بِها إِلَيْكَ لِتَلْبَسَها، إِنَّما يَلْبَسُها مَنْ لا خَلاقَ لَهُ. إِنَّما بَعَثْتُ إِلَيْكَ لِتَسْتَمْتِعَ بِها» يَعْني تَبِيعَها. [راجع: ٨٨٦]

2105. Narrated 'Āishah رَضِيَ اللهُ عَنْها, Mother of the Believers: I bought a cushion with pictures on it. When Allāh's Messenger ﷺ saw it, he kept standing at the door and did not enter the house. I noticed the sign of disgust on his face, so I said, "O Allāh's Messenger! I repent to Allāh and His Messenger ﷺ. (Please let me know) what

٢١٠٥ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالكٌ، عَنْ نافِعٍ، عَنِ القاسِمِ بنِ مُحَمَّدٍ، عَنْ عائِشَةَ أُمِّ المُؤْمِنِينَ رَضِيَ اللهُ عَنْها: أَنَّها أَخْبَرَتْهُ أَنَّها اشْتَرَتْ نُمْرُقَةً فِيها تَصاوِيرُ. فَلَمَّا

رَآها رَسُولُ اللهِ ﷺ قامَ عَلَى البابِ فَلَمْ يَدْخُلْهُ، فَعَرَفْتُ فِي وَجْهِهِ الكَراهَةَ فَقُلْتُ: يا رَسُولَ اللهِ، أَتُوبُ إلى اللهِ وإِلَى رَسُولِهِ ﷺ، ماذا أَذْنَبْتُ؟ فَقالَ رَسُولُ اللهِ ﷺ: «مَا بالُ هذِهِ النُّمْرُقَةِ؟» قُلْتُ: اشْتَرَيْتُها لكَ لِتَقْعُدَ عَلَيْها وتَوَسَّدَها. فَقالَ رَسُولُ اللهِ ﷺ: «إِنَّ أَصْحابَ هذِهِ الصُّوَرِ يَوْمَ القِيامَةِ يُعذَّبُونَ فَيُقالُ لَهُمْ: أَحْيُوا مَا خَلَقْتُمْ». وقالَ: «إِنَّ البَيْتَ الَّذِي فِيهِ الصُّورُ لا تَدْخُلُهُ المَلائِكَةُ». [انظر: ٣٢٢٤، ٥١٨١، ٥٩٥٧، ٥٩٦١، ٧٥٥٧]

sin I have done." Allāh's Messenger ﷺ said, "What about this cushion?" I replied, "I bought it for you to sit and recline on." Allāh's Messenger ﷺ said, "The painters (i.e., owners) of these pictures will be punished on the Day of Resurrection. It will be said to them, 'Put life in what you have created (i.e., painted).'" The Prophet ﷺ added, "The angels do not enter a house in which there are pictures."

(٤١) بابٌ صاحِبِ السِّلْعَةِ أَحَقُّ بِالسَّوْمِ.

(41) CHAPTER. The owner of a thing has to suggest a price.

٢١٠٦ - حَدَّثَنا مُوسَى بنُ إسمَاعِيلَ: حدَّثنا عَبْدُ الوَارِثِ، عَنْ أَبي التَّيَّاحِ، عَنْ أَنسٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «يا بَنِي النَّجّارِ، ثامِنُوني بِحَائِطِكُمْ». وفِيهِ خِرَبٌ ونَخْلٌ. [راجع: ٢٣٤]

2106. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "O Banī Najjār! Suggest a price for your garden." Part of it was a ruin and it contained some date-palms.

(٤٢) بابٌ كَمْ يَجُوزُ الخِيارُ؟

(42) CHAPTER. For what period has one to confirm or cancel the bargain?

٢١٠٧ - حَدَّثَنا صَدَقَةُ: أَخْبَرَنا عَبْدُ الوَهّابِ قالَ: سَمِعْتُ يَحْيى بنَ سَعِيدٍ قالَ: سَمِعْتُ نافِعاً عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبِيِّ ﷺ

2107. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "The buyer and the seller have the option to cancel or confirm the bargain before they separate from each other, or if the sale is optional."[1]

(1) (H. 2107) If the bargain is concluded but the buyer and seller are still at the place where the bargain has taken place, they have the right to cancel or confirm the bargain. If=

قالَ: «إنَّ المُتبايِعَينِ بالخِيارِ في بيْعِهِما ما لَمْ يَتفَرَّقا، أَوْ يَكُونَ البَيْعُ خِياراً». وقالَ نافعٌ: وكانَ ابنُ عُمَرَ إِذَا اشْتَرَى شَيْئاً يُعْجِبُهُ فارَقَ صاحِبَهُ.

[انظر: ٢١٠٩، ٢١١١، ٢١١٣، ٢١١٦]

Nāfi' said, "Ibn 'Umar used to separate quickly from the seller if he had bought a thing which he liked."

٢١٠٨ - حَدَّثَنَا حَفْصُ بنُ عُمَرَ: حدَّثَنا هَمَّامٌ، عَنْ قتادَةَ، عَنْ أَبي الخَلِيلِ، عَنْ عَبْدِ اللهِ بنِ الحَارِثِ، عَنْ حَكِيمِ بنِ حِزَامٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «البَيِّعانِ بِالخيارِ مَا لَمْ يَفْتَرِقا».

وزَادَ أَحْمَدُ: حدَّثَنا بَهْزٌ قالَ: قالَ هَمَّامٌ: فَذَكَرْتُ ذلكَ لأَبي التَّيَّاحِ فَقالَ: كُنْتُ مَعَ أَبي الخَلِيلِ لَمَّا حَدَّثَهُ عَبْدُ اللهِ ابنُ الحَارِثِ هٰذَا الحَدِيثَ.

[راجع: ٢٠٧٩]

2108. Narrated Ḥakīm bin Ḥizām رَضِيَ اللهُ عَنْهُ : The Prophet ﷺ said, "The buyer and the seller have the option of cancelling or confirming the deal unless they separate."

(٤٣) بابٌ إِذَا لَمْ يُوَقِّتْ في الخِيارِ، هَلْ يَجُوزُ البَيْعُ؟

(43) CHAPTER. If the time for the option is not fixed, will the deal be considered as legal?

٢١٠٩ - حَدَّثَنَا أَبُو النُّعْمانِ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ: حدَّثَنا أَيُّوبُ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبيُّ ﷺ: «البَيِّعانِ بالخِيارِ ما لَمْ يَتفَرَّقا، أَوْ يَقُولَ أَحَدُهما لِصاحِبِهِ: اخْتَرْ». ورُبَّما

2109. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "The seller and the buyer have the option of cancelling or confirming the deal unless they separate, or one of them says to the other, 'Choose (i.e., decide to cancel or confirm the bargain now).' Perhaps he said, 'Or if it is an optional sale.'"

=they separate, they no longer have such an option. If, while they are still together, one of them gives the other the option of cancelling or confirming the bargain and they agree upon a decision, the bargain is regarded as final even though they have not separated. On the other hand, if the buyer and the seller agree upon having the option of cancelling or confirming the bargain after they separate, the bargain is not regarded as final unless the period of the option has elapsed. (*Al-Qasṭalānī*, Vol. 4).

قَالَ: «أَوْ يَكُونَ بَيْعَ خِيَارٍ».

[راجع: ٢١٠٧]

(44) CHAPTER. Both the buyer and the seller have the option to cancel or confirm the bargain, unless they separate.

Ibn 'Umar, Shuraih, Ash-Sha'bī, Ṭāwūs, 'Aṭā', and Ibn Abū Mulaika agree upon this judgement.

(٤٤) بابُ البَيِّعانِ بالخِيارِ مَا لَمْ يَتَفَرَّقا

وبِهِ قَالَ ابنُ عُمَرَ وشُرَيْحٌ والشَّعْبِيُّ وطاوُسٌ وعَطاءٌ وابنُ أَبِي مُلَيْكَةَ.

2110. Narrated Ḥakīm bin Ḥizām رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "The buyer and the seller have the option of cancelling or confirming the bargain unless they separate, and if they spoke the truth and made clear the defects of the goods, then they would be blessed in their bargain, and if they told lies and hid some facts, their bargain would be deprived of Allāh's Blessings."

٢١١٠ - **حَدَّثَنا** إسحاقُ: أَخْبَرَنا حَبَّانُ بنُ هِلَالٍ قالَ: حدَّثَنا شُعْبَةُ قالَ: قَتادَةُ أَخْبَرَنِي عَنْ صَالِحٍ أَبِي الخَلِيلِ، عَنْ عَبْدِ اللهِ بنِ الحَارِثِ قالَ: سَمِعْتُ حَكِيمَ بنَ حِزَامٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «البَيِّعانِ بالخِيارِ مَا لَمْ يَتَفَرَّقا، فإنْ صَدَقا وبَيَّنا بُورِكَ لَهُما في بَيْعِهِمَا، وإنْ كَذَبا وكَتَما مُحِقَتْ بَرَكَةُ بَيْعِهِما».

[راجع: ٢٠٧٩]

2111. Narrated 'Abdullāh bin 'Umar رَضِيَ الله عَنْهُما: Allāh's Messenger ﷺ said, "Both the buyer and the seller have the option of cancelling or confirming a bargain unless they separate, or the sale is optional." (See *Ḥadīth* No. 2107).

٢١١١ - **حَدَّثَنا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «المُتَبايِعانِ كُلُّ واحِدٍ مِنْهُمَا بالخِيارِ عَلى صَاحِبِهِ مَا لَمْ يَتَفَرَّقا إلَّا بَيْعَ الخِيارِ». [راجع: ٢١٠٧]

(45) CHAPTER. If the buyer and the seller give each other the option of cancelling the bargain immediately after the bargain is made (while they are still together), the bargain is rendered final (even if they did not separate).

(٤٥) بابٌ إذَا خَيَّرَ أَحَدُهُما صاحِبَهُ بَعْدَ البَيْعِ فَقَدْ وجَبَ البَيْعُ

2112. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Both the buyer and the seller have the option of cancelling or confirming the bargain as long as they are still together; and unless they separate or one of them gives the other the option of keeping or returning the things and a decision is concluded then, in which case the bargain is considered as final. If they separate after the bargain and none of them has rejected it, then the bargain is rendered final."

٢١١٢ - حَدَّثَنَا قُتَيْبَةُ: حدَّثنا اللَّيْثُ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قالَ: «إِذَا تَبايَعَ الرَّجُلانِ فَكُلُّ واحِدٍ مِنْهُما بِالخِيارِ مَا لَمْ يَتَفَرَّقا وكانا جمِيعاً، أَوْ يُخَيِّرُ أَحَدُهُما الآخَرَ فَتَبايَعا عَلى ذٰلكَ فَقَدْ وَجَبَ البَيْعُ، وإِنْ تَفَرَّقا بَعْدَ أَنْ يَتَبايَعا ولَمْ يَتْرُكْ واحِدٌ مِنْهُما البَيْعَ فَقَدْ وَجَبَ البَيْعُ». [راجع: ٢١٠٧]

(46) CHAPTER. Is selling permissible if the seller has the option of cancelling the bargain?

(٤٦) بابٌ إِذَا كانَ البائِعُ بالخِيارِ هَلْ يَجُوزُ البَيْعُ؟

2113. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "No deal is settled and finalized unless the buyer and the seller separate, except if the deal is optional (whereby the validity of the bargain depends on the stipulations agreed upon)."

٢١١٣ - حَدَّثَنَا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا سُفْيانُ، عَنْ عَبْدِ اللهِ بنِ دِينارٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ قالَ: «كُلُّ بَيِّعَينِ لا بَيْعَ بَيْنَهُما حتَّى يَتَفَرَّقا إِلَّا بَيْعَ الخِيارِ». [راجع: ٢١٠٧]

2114. Narrated Ḥakīm bin Ḥizām رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Both the buyer and the seller have the option of cancelling or confirming the bargain unless they separate."

The subnarrator, Hammām said, "I found this in my book: 'Both the buyer and the seller have the option of either confirming or cancelling the bargain three times, and if they speak the truth and mention the defects, then their bargain will be blessed, and if they tell lies and conceal the defects, they might gain some financial gain but they will deprive their sale of (Allāh's) Blessings."

٢١١٤ - حدَّثَني إسحاقُ: أَخبَرَنَا حَبَّانُ: حدَّثَنا هَمَّامٌ، حدَّثَنا قَتادَةُ، عَنْ أَبي الخَلِيلِ، عَنْ عَبْدِ اللهِ بنِ الحَارِثِ، عَنْ حَكِيمِ بنِ حِزَامٍ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ قالَ: «البَيِّعانِ بالخِيارِ حَتَّى يَتَفَرَّقا». قالَ هَمَّامٌ: وجَدْتُ في كِتابي: «يَخْتارُ - ثَلاثَ مِرَارٍ - فإِنْ صَدَقا وبَيَّنا بُورِكَ لَهُما في بَيْعِهِما، وإِنْ كَذَبا وكَتما فَعَسَى أَنْ يَرْبَحا رِبْحاً ويُمْحَقا بَرَكَةَ بَيْعِهِما».

قَالَ: وحدَّثنا هَمَّامٌ: حدَّثنا أَبُو التَّيَّاحِ: أَنَّهُ سَمِعَ عَبْدَ اللهِ بنَ الحَارِثِ يُحَدِّثُ بِهٰذَا الحَدِيثِ عَنْ حَكِيمِ بنِ حِزَامٍ عَنِ النَّبِيِّ ﷺ. [راجع: ٢٠٧٩]

(47) CHAPTER. What is said if somebody buys a thing and gives it as a present to someone else at that very moment before separating from the seller, and the seller has had no objection to the buyer's action; or if someone buys a slave and then manumits him?

(٤٧) بابٌ إِذَا اشْتَرَى شَيْئاً فَوَهَبَ مِنْ ساعَتِهِ قَبْلَ أَنْ يَتَفَرَّقا ولَمْ يُنْكِرِ البائعُ عَلى المُشْتَرِي أَوِ اشْتَرَى عَبْداً فأَعْتَقَه.

Ṭāwūs said that if somebody bought a thing with mutual agreement and then sold it, then that was his property and the profit would be for him.

وقالَ طاوُسٌ فِيمَنْ يَشْتَرِي السِّلْعَةَ عَلَى الرِّضا ثُمَّ بَاعَها: وجَبَت لَه والرِّبْحُ لَهُ.

2115. Narrated Ibn 'Umar رَضِيَ الله عَنْهُما: We were accompanying the Prophet ﷺ on a journey and I was riding an unmanageable camel belonging to 'Umar رَضِيَ الله عَنْه, and I could not bring it under my control. So, it used to go ahead of the party and 'Umar would check it and force it to retreat, and again it went ahead and again 'Umar forced it to retreat. The Prophet ﷺ asked 'Umar to sell that camel to him. 'Umar replied, "It is for you O Allāh's Messenger!" Allāh's Messenger ﷺ told 'Umar to sell that camel to him (not to give it as a gift). So, 'Umar sold it to Allāh's Messenger ﷺ. Then the Prophet ﷺ said to 'Abdullāh bin 'Umar, "The camel is for you O 'Abdullāh (as a present) and you could do with it whatever you like."

٢١١٥ - وقالَ الحُمَيْدِيُّ: حدَّثنا سُفْيانُ: حدَّثنا عَمْرٌو، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: كُنَّا مَعَ النَّبِيِّ ﷺ في سَفَرٍ فَكُنْتُ عَلى بَكْرٍ صَعْبٍ لِعُمَرَ فَكانَ يَغْلِبُنِي فَيَتَقَدَّمُ أَمامَ القَوْمِ فَيَزْجُرُهُ عُمَرُ ويَرُدُّهُ، ثُمَّ يَتَقَدَّمُ فَيَزْجُرُهُ عُمَرُ ويَرُدُّهُ، فَقالَ النَّبِيُّ ﷺ لِعُمَرَ: «بِعْنِيهِ»، قالَ: هُوَ لَكَ يا رَسُولَ اللهِ. قالَ رسولُ اللهِ ﷺ: «بِعْنِيهِ»، فَباعَهُ مِنْ رَسُولِ اللهِ ﷺ. فَقالَ النَّبِيُّ ﷺ: «هُوَ لكَ يا عَبْدَ اللهِ بنَ عُمَرَ تَصْنَعُ بِهِ ما شِئْتَ». [انظر: ٢٦١٠، ٢٦١١]

2116. Narrated 'Abdullāh bin 'Umar رَضِيَ الله عَنْهُما: I bartered my property in Khaibar[1] to 'Uthmān (chief of the faithful believers) for his property in Al-Wādī[2]. When we

٢١١٦ - قالَ أَبُو عَبْدِ اللهِ: وقالَ اللَّيْثُ: حدَّثَنِي عَبْدُ الرَّحْمٰنِ بنُ خالِدٍ، عَنِ ابنِ شِهابٍ، عَنْ سالِمِ بنِ

(1) (H.2116) Khaibar is six stages to the north-west of Al-Madīna.
(2) (H.2116) Al-Wādī is a district near Al-Madīna.

عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: بِعْتُ مِنْ أَمِيرِ المُؤْمِنِينَ عُثمانَ بنِ عَفَّانَ رَضِيَ اللهُ عَنْهُ مالاً بالوَادِي بِمالٍ لهُ بِخَيْبَرَ، فَلَمَّا تَبايَعْنا رَجَعْتُ عَلى عَقبِي حتَّى خَرَجْتُ مِنْ بَيْتِهِ خَشْيَةَ أَنْ يُرادَّني البَيْعَ، وكانَتِ السُّنَّةُ أَنَّ المُتَبايِعَينِ بالخِيارِ حتَّى يَتَفَرَّقا، قالَ عَبْدُ اللهِ: فَلَمَّا وجَبَ بَيْعِي وبَيْعُهُ رَأَيْتُ أَنِّي قَدْ غَبَنْتُهُ بِأَنِّي سُقْتُهُ إلى أرْضِ ثَمُودَ بِثَلاثِ لَيالٍ وساقَني إلى المَدِينَةِ بِثَلاثِ لَيالٍ. [راجع: ٢١٠٧]

finished the deal, I left immediately and got out of his house lest he should cancel the deal, for the tradition was that the buyer and the seller had the option of cancelling the bargain unless they separated. When our deal was completed, I came to know that I had been unfair to 'Uthmān, for by selling him my land I caused him to be in the land of Thamūd, at a distance of three days' journey from Al-Madīna, while he made me nearer to Al-Madīna, at a distance of three days' journey from my former land.

(٤٨) بابُ ما يُكْرَهُ مِنَ الخِدَاعِ في البَيْعِ.

(48) CHAPTER. What is disliked as regards cheating in business.

٢١١٧ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخبرَنا مالكٌ، عَنْ عَبْدِ اللهِ بنِ دِينارٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَجُلاً ذَكَرَ للنَّبِيِّ ﷺ أَنَّهُ يُخْدَعُ في البُيُوعِ، فَقالَ: «إذَا بايَعْتَ فَقُلْ: لا خِلابَةَ». [انظر: ٢٤٠٧، ٢٤١٤، ٦٩٦٤]

2117. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: A person came to the Prophet ﷺ and told him that he was always betrayed in purchasing. The Prophet ﷺ told him to say at the time of buying, "No cheating." (i.e., he has the right to return it if found undesirable).

(٤٩) بابُ مَا ذُكِرَ في الأَسْوَاقِ،

(49) CHAPTER. What is said about markets.

وقالَ عَبْدُ الرَّحْمٰنِ بنُ عَوْفٍ: لمَّا قَدِمْنا المَدِينَةَ، [قُلْتُ]: هَلْ مِنْ سُوقٍ فِيهِ تِجارَةٌ؟ فقالَ: سُوقُ قَيْنُقاعَ. وقالَ أَنَسٌ: قال عَبْدُ الرَّحْمٰنِ: دُلُّونِي عَلى السُّوقِ. وقالَ عُمَرُ: أَلهانِي الصَّفْقُ بالأَسْوَاقِ.

And narrated 'Abdur-Raḥmān bin 'Aūf: On our arrival in Al-Madīna, I asked whether there was a market of trading. Somebody said, "There is the market of Qainuqā'."

Narrated Anas: 'Abdur-Raḥmān said, "Show me the market." And 'Umar said, "Trading in the market diverted my attention (from better things)."

2118. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ said, "An army will invade the Ka'bah and when the invaders reach Al-Baidā', all the ground will sink and swallow the whole army." I said, "O Allāh's Messenger! How will they sink into the ground while amongst them will be their markets (the people who worked in business and not invaders)(1) and the people not belonging to them?" The Prophet ﷺ replied, "All of those people will sink but they will be resurrected and judged according to their intentions."

٢١١٨ - حَدَّثَني مُحَمَّدُ بنُ الصَّبَّاحِ: حدَّثنا إسماعيلُ بنُ زَكَرِيَّاءَ، عَنْ مُحَمَّدِ ابنِ سُوقَةَ، عَنْ نافعِ بنِ جُبَيرِ بنِ مُطْعِمٍ قالَ: حدَّثَتْني عائِشَةُ رَضِيَ اللهُ عَنْها قالَتْ: قالَ رَسُولُ اللهِ ﷺ: «يَغْزُو جَيْشٌ الكَعْبَةَ، فإذَا كانُوا بِبَيْدَاءَ مِنَ الأَرْضِ يُخْسَفُ بأوَّلِهِمْ وآخِرِهِمْ». قالَتْ: قُلْتُ: يا رَسُولَ اللهِ، كَيْفَ يُخْسَفُ بأوَّلِهِمْ وآخِرِهِمْ وفِيهِمْ أَسْوَاقُهُمْ ومَنْ لَيْسَ مِنْهُمْ؟ قالَ: «يُخْسَفُ بأوَّلِهِمْ وآخِرِهِمْ، ثُمَّ يُبْعَثُونَ عَلى نِيَّاتِهِمْ».

2119. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The congregational *Ṣalāt* (prayer) of anyone amongst you is more than twenty (five or twenty-seven) times in reward than his *Ṣalāt* (prayer) in the market or in his house, for if he performs ablution perfectly and then goes to the mosque with the sole intention of performing the *Ṣalāt* (prayer), and nothing urges him to proceed to the mosque except the *Ṣalāt* (prayer), then, on every step which he takes towards the mosque, he will be raised one degree or one of his sins will be forgiven. The angels will keep on asking Allāh's Forgiveness and Blessings for everyone of you so long as he keeps sitting at his praying place. The angels will say, 'O Allāh, Bless him! O Allāh, be Merciful to him!' As long as he does not do *Ḥadath* or a thing which gives trouble to the other."

The Prophet ﷺ further said, "One is

٢١١٩ - حَدَّثَنَا قُتَيْبَةُ: حدَّثنا جَرِيرٌ، عَنِ الأَعْمَشِ، عَنْ أَبي صَالِحٍ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «صَلاةُ أَحَدِكُمْ في جماعَةٍ تَزِيدُ عَلى صَلاتِهِ في سُوقِهِ وبَيْتِهِ بِضْعاً وعِشْرِينَ دَرَجَةً، وذلكَ بأَنَّهُ إذَا تَوَضَّأَ فأَحْسَنَ الوُضُوءَ، ثُمَّ أتَى المَسْجِدَ لا يُرِيدُ إلَّا الصَّلاةَ لا يَنْهَزُهُ إلَّا الصَّلاةُ لَمْ يَخْطُ خَطْوَةً إلَّا رُفِعَ بِها دَرَجَةً، أَوْ حُطَّتْ عَنْهُ بِها خَطِيئَةٌ. والمَلائِكَةُ تُصَلِّي عَلى أَحَدِكُمْ ما دَامَ في مُصَلَّاهُ الَّذي يُصَلِّي فِيهِ، اللَّهُمَّ صَلِّ عَلَيهِ، اللَّهُمَّ ارْحَمْهُ ما لَمْ يُحْدِثْ فِيهِ، ما لَمْ يُؤْذِ

(1) (H. 2118) The Arabic word for 'markets' occurs in some narrations in the from of other words which are also probable. Those probable words stand for such words as 'nobles' or 'other people.'

regarded in *Ṣalāt* (prayer) so long as one is waiting for the *Ṣalāt* (prayer)."

فِيهِ». وقالَ: «أَحَدُكُمْ في صَلاةٍ مَا كَانَتِ الصَّلاةُ تَحْبِسُهُ». [راجع: ١٧٦]

2120. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: While the Prophet ﷺ was in the market, somebody called, "O Abul-Qāsim." The Prophet ﷺ turned to him. The man said, "I have called to this (i.e., another man)." The Prophet ﷺ said, "Name yourselves by my name but not by my *Kunya* (surname)."(1) (In Arab world it is the custom to call the man as the father of his eldest son, e.g., Abul-Qāsim.)

[See Vol. 4, *Ḥadīth* No.3537).

٢١٢٠ - حَدَّثَنَا آدَمُ بنُ أَبي إياسٍ: حدَّثنا شُعْبَةُ، عَنْ حُمَيْدٍ الطَّويلِ، عَنْ أَنسِ بنِ مالكٍ رَضِيَ اللهُ عَنْهُ قالَ: كانَ النَّبيُّ ﷺ في السُّوقِ فَقالَ رَجُلٌ: يا أَبا القاسِمِ، فالتَفَتَ إلَيْهِ النَّبيُّ ﷺ فَقالَ: إنَّما دَعَوْتُ هذَا، فَقالَ النَّبيُّ ﷺ: «سَمُّوا باسْمِي ولا تَكَنَّوْا بِكُنْيَتِي». [انظر: ٢١٢١، ٣٥٣٧]

2121. Narrated Anas رَضِيَ اللهُ عَنْهُ: A man at Al-Baqī' called, "O Abul-Qāsim!" The Prophet ﷺ turned to him and the man said (to the Prophet ﷺ), "I did not intend to call you." The Prophet ﷺ said, "Name yourselves by my name but not by my *Kunya* (surname)."

٢١٢١ - حَدَّثَنَا مالكُ بنُ إسمَاعِيلَ: حدَّثنا زُهَيْرٌ، عَنْ حُمَيْدٍ، عَنْ أَنسٍ رَضِيَ اللهُ عَنْهُ قالَ: دَعا رَجُلٌ بِالبَقِيعِ: يَا أَبا القاسِمِ، فالتَفَتَ إلَيْهِ النَّبيُّ ﷺ فَقالَ: لَمْ أعْنِكَ، قالَ: «سَمُّوا باسمِي ولا تَكْنُوا بِكُنْيَتِي». [راجع: ٢١٢٠]

2122. Narrated Abū Hurairah Ad-Dausī رَضِيَ اللهُ عَنْهُ: Once the Prophet ﷺ went out during the day. Neither did he talk to me nor I to him till he reached the market of Banī Qainuqā', and then he sat in the compound of Fāṭima's house and asked about the small boy (his grandson Al-Ḥasan رَضِيَ اللهُ عَنْهُ) but Fāṭima kept the boy in for a while. I thought she was either changing his clothes or giving the boy a bath. After a while the boy came out running and the Prophet ﷺ embraced and kissed him and then said, "O Allāh! Love him, and love whoever loves him."

٢١٢٢ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنَا سُفْيانُ، عَنْ عُبَيْدِ اللهِ بنِ أَبي يَزِيدَ، عَنْ نافعِ ابنِ جُبَيرِ بنِ مُطْعِمٍ، عَنْ أَبي هُرَيْرَةَ الدَّوْسِيِّ رَضِيَ اللهُ عَنْهُ قالَ: خَرَجَ النَّبيُّ ﷺ في طائِفَةِ النَّهارِ لا يُكَلِّمُني ولا أُكَلِّمُهُ حتَّى أَتَى سُوقَ بَني قَيْنُقاعَ فَجَلَسَ بِفِناءِ بَيْتِ فاطِمَةَ فَقالَ: أَثَمَّ لُكَعُ؟ أَثَمَّ لُكَعُ؟» فَحَبَسَتْه شَيْئاً فَظَنَنْتُ أَنَّها تُلْبِسُهُ

(1) (H. 2120) *Kunya* means calling a man: O father of so-and-so! Or calling a woman: O mother of so-and-so! And this is a custom of the 'Arabs.

سِخَاباً أَو تُغَسِّلُهُ، فَجاءَ يَشْتَدُّ حَتَّى عانَقَهُ وقَبَّلَهُ فقالَ: «اللَّهُمَّ أَحِبَّهُ وأَحِبَّ مَنْ يُحِبُّهُ». قالَ سُفْيانُ: قالَ عُبَيْدُ اللهِ: أَخْبَرَني أَنَّهُ رَأَى نافِعَ بنَ جُبَيرٍ أَوتَرَ بِركْعَةٍ. [انظر: ٥٨٨٤]

2123. Narrated Nāfi‘: Ibn ‘Umar رَضِيَ الله عَنْهُما told us that the people used to buy food from the caravans in the lifetime of the Prophet ﷺ. The Prophet ﷺ used to forbid them to sell it at the very place where they had purchased it (but they were to wait) till they carried it to the market where foodstuff was sold.

٢١٢٣ - **حَدَّثَنا** إِبْراهِيمُ بنُ المُنْذِرِ: حدَّثَنا أَبُو ضَمْرَةَ: حدَّثَنا مُوسَى بنُ عُقْبَةَ، عَنْ نافِعٍ: حدَّثَنا ابنُ عُمَرَ: أَنَّهُمْ كانُوا يَشْتَرُونَ الطَّعامَ مِنَ الرُّكْبانِ عَلى عَهْدِ النَّبيِّ ﷺ فَيَبْعَثُ عَلَيْهِمْ مَنْ يَمْنَعُهُمْ أَنْ يَبِيعُوهُ حَيْثُ اشْتَرَوْهُ حتَّى يَنقُلُوهُ حَيْثُ يُباعُ الطَّعامُ. [انظر: ٢١٣١، ٢١٣٧، ٢١٦٦، ٢١٦٧، ٦٨٥٢]

2124. Ibn ‘Umar رَضِيَ الله عَنْهُما said, “The Prophet ﷺ also forbade the reselling of foodstuff by somebody who had bought it unless he had received it (all the measure which he has bought) in full measure.”

٢١٢٤ - قالَ: وحدَّثَنا ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: نَهى النَّبِيُّ ﷺ أَنْ يُباعَ الطَّعامُ إِذا اشْتَراهُ حتَّى يَسْتَوْفِيَهُ. [انظر: ٢١٢٦، ٢١٣٣، ٢١٣٦]

(50) CHAPTER. The dislike of raising voices in the market.

(٥٠) بابُ كَراهِيَةِ السَّخَبِ في السُّوقِ

2125. Narrated ‘Aṭā’ bin Yasār: I met ‘Abdullāh bin ‘Amr bin Al-‘Āṣ and asked him, “Tell me about the description of Allāh’s Messenger ﷺ which is mentioned in the Torah.” He replied, “Yes. By Allāh, he is described in the Torah with some of the qualities attributed to him in the Qur’ān as follows:

‘O Prophet! We have sent you as a witness (for Allāh’s True Religion) and a giver of glad tidings (to the faithful believers), and a warner (to the disbelievers), and guardian of

٢١٢٥ - **حَدَّثَنا** مُحَمَّدُ بنُ سِنانٍ: حدَّثَنا فُلَيْحٌ: حدَّثَنا هِلالٌ، عَنْ عَطاءِ بنِ يَسارٍ قالَ: لَقِيتُ عَبْدَ اللهِ بنَ عَمْرِو بنِ العاصي رَضِيَ اللهُ عَنْهُما، قُلْتُ: أَخْبِرْني عَنْ صِفَةِ رَسُولِ اللهِ ﷺ في التَّوْراةِ. قالَ: أَجَلْ، واللهِ إِنَّهُ لَمَوْصُوفٌ في التَّوْراةِ بِبَعْضِ صِفَتِهِ في القُرْآنِ: ﴿يَـٰٓأَيُّهَا ٱلنَّبِيُّ إِنَّآ أَرْسَلْنَـٰكَ

the illiterates. You are My slave and My Messenger. I have named you *Al-Mutawakkil* (who depends upon Allāh). You are neither discourteous, harsh, nor a noise-maker in the markets, and you do not do evil to those who do evil to you, but you deal with them with forgiveness and kindness. Allāh will not let him (the Prophet ﷺ) die till he makes straight the crooked people by making them say: *Lā ilāha illallāh* (none has the right to be worshipped but Allāh) with which will be opened blind eyes, deaf ears, and enveloped hearts.' "

شَٰهِدًا وَمُبَشِّرًا وَنَذِيرًا ﴿٤٥﴾ وحِرْزاً لِلأُمِّيِّينَ، أَنْتَ عَبْدِي ورسُولِي، سَمَّيْتُكَ المُتَوَكِّلَ. لَيْسَ بِفَظٍّ ولا غَلِيظٍ، وَلا سَخَّابٍ في الأَسْواقِ، ولا يَدْفَعُ بالسَّيِّئَةِ السَّيِّئَةَ، وَلٰكِنْ يَعْفُو وَيَغْفِر. ولَنْ يَقْبِضَهُ اللهُ حَتَّى يُقِيمَ بِهِ المِلَّةَ العَوْجَاءَ بأَنْ يَقُولُوا: لا إِلٰهَ إِلَّا اللهُ، ويُفْتَحُ بِها أَعْيُنٌ عُمْيٌ، وَآذَانٌ صُمٌّ، وَقُلوبٌ غُلْفٌ».

تابَعَهُ عَبْدُ العَزِيزِ ابنُ أَبي سَلَمَةَ عَن هِلالٍ. وقالَ سَعِيدٌ، عَنْ هِلالٍ، عَنْ عَطاءٍ، عَنِ ابنِ سَلامٍ.

[انظر: ٤٨٣٨]

(51) CHAPTER. Weighing or measuring goods is to be done by the seller or the giver.

(٥١) بابُ الكَيْلِ عَلى البائعِ والمُعْطي،

And the Statement of Allāh عَزَّ وجَل:

"And when they have to give by measure or weight to (other) men, give less than due." (V.83:3)

The Prophet ﷺ said, "When you receive what you buy by measure, let it be exact full measure."

Narrated 'Uthmān رَضِيَ اللهُ عَنْهُ that the Prophet ﷺ told him, "If you are the seller, you have to measure, and if you are the buyer, then let the seller measure for you."

وَقَوْلِ اللهِ عَزَّ وجَلَّ: ﴿وَإِذَا كَالُوهُمْ أَو وَّزَنُوهُمْ يُخْسِرُونَ ﴿٣﴾﴾ [المطففين: ٣] يَعْني كالُوا لَهُمْ أو وَزَنُوا لَهُمْ. كَقَوْلِهِ: ﴿يَسْمَعُونَكُمْ﴾ [الشعراء: ٧٢] يَسْمَعُونَ لَكُمْ. وقالَ النَّبِيُّ ﷺ: «اكْتالُوا حَتَّى تَسْتَوْفُوا». ويُذْكَرُ عَنْ عُثمانَ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ قالَ: «إِذَا بِعْتَ فَكِلْ، وإِذَا ابْتَعْتَ فاكْتَلْ».

2126. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "He who buys foodstuff should not sell it till he takes all the measure which he has bought in full."

٢١٢٦ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخبَرَنا مالكٌ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «مَنِ

ابْتَاعَ طَعاماً فَلا يَبِعْهُ حتَّى يَسْتَوْفِيَهُ».

[راجع: ٢١٢٦]

٢١٢٧ - حَدَّثَنَا عَبْدَان: أَخْبَرَنا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: تُوُفِّيَ عَبْدُ اللهِ ابنُ عَمْرِو بنِ حَرَامٍ وعَلَيْهِ دَيْنٌ، فاسْتَعَنْتُ النَّبيَّ ﷺ عَلى غُرَمائِهِ أَنْ يَضَعُوا مِنْ دَيْنِهِ، فَطَلَبَ النَّبيُّ ﷺ إِلَيهِمْ فَلَمْ يَفْعَلُوا. فَقالَ لِيَ النَّبيُّ ﷺ: «اذْهَبْ فَصَنِّفْ تَمْرَكَ أَصْنافاً: العَجْوَةَ عَلى حِدَةٍ، وعِذْقَ ابن زَيْدٍ عَلى حِدَةٍ، ثُمَّ أَرْسِلْ إِلَيَّ». فَفَعَلْتُ ثُمَّ أَرْسَلْتُ إِلى النَّبيِّ ﷺ فَجاءَ فَجَلَسَ عَلى أَعْلاهُ أَوْ في وَسَطِهِ، ثُمَّ قالَ: «كِلْ لِلقَوْمِ». فَكِلْتُهُمْ حتَّى أَوْفَيْتُهُمُ الَّذي لَهُمْ وَبَقِيَ تَمْري كَأَنَّهُ لَمْ يَنْقُصْ مِنْهُ شَيْءٌ.

وقالَ فِرَاسٌ، عَنِ الشَّعْبِيِّ: حدَّثَني جابرٌ عَنِ النَّبيِّ ﷺ: فَمَا زَالَ يَكِيلُ لَهُمْ حتَّى أَدَّاهُ. وقالَ هِشامٌ، عَنْ وهْبٍ، عَنْ جابرٍ قالَ النَّبيُّ ﷺ: «جُذَّ لَهُ فَأَوْفِ لَهُ». [انظر: ٢٣٩٥، ٢٣٩٦، ٢٤٠٥، ٢٦٠١، ٢٧٠٩، ٢٧٨١، ٣٥٨٠، ٤٠٥٣، ٦٢٥٠]

2127. Narrated Jābir رَضِيَ اللهُ عَنْهُ: 'Abdullāh bin 'Amr bin Ḥarām died and was in debt to others. I asked the Prophet ﷺ to intercede with his creditors for some reduction in the debts. The Prophet ﷺ requested them (to reduce the debts), but they refused. The Prophet ﷺ said to me, "Go and put your dates (in heaps) according to their different kinds, the *'Ajwa* on one side, the cluster of Zaid on another side, etc., then call me." I did that and called the Prophet ﷺ. He came and sat at the head or in the middle of the heaps and ordered me, "Measure (the dates) for the people (creditors)." I measured for them till I paid all the debts. My dates r mained as if nothing had been taken from them.

In other narrations, Jābir said: The Prophet ﷺ said, "He (i.e., 'Abdullāh) continued measuring for them till he paid all the debts." The Prophet ﷺ said (to 'Abdullāh), "Cut (clusters) for him (i.e., one of the creditors) and measure for him in full."

(٥٢) بابُ مَا يُسْتَحَبُّ مِنَ الكَيْلِ

(52) CHAPTER. What is considered preferable regarding measuring.

٢١٢٨ - حَدَّثَنَا إِبْرَاهِيمُ بنُ مُوسَى: حدَّثَنا الوَلِيدُ، عَنْ ثَوْرٍ، عَنْ

2128. Narrated Al-Miqdām bin Ma'dīkarib رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Measure your foodstuff and you will be blessed."

خالِدِ بنِ مَعْدَانَ، عَنِ المِقْدَامِ بنِ مَعْدِيكَرِبَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «كِيلُوا طَعامَكُمْ يُبارَكْ لَكُمْ».

(53) CHAPTER. Allāh's Blessing in the *Ṣā'* and *Mudd* of the Prophet ﷺ.

(٥٣) باب بَرَكَةِ صَاعِ النَّبِيِّ ﷺ ومُدِّهِ

This has been narrated by 'Āishah رَضِيَ الله عَنْها on the authority of the Prophet ﷺ.

فِيهِ عائِشَةُ رَضِيَ اللهُ عَنْها عَنِ النَّبِيِّ ﷺ.

2129. Narrated 'Abdullāh bin Zaid رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "The Prophet Ibrahim (Abraham) made Makkah a sanctuary, and asked for Allāh's Blessing in it. I made Al-Madīna a sanctuary as Ibrahim made Makkah a sanctuary and I asked for Allāh's Blessing in its measures – the *Mudd* and the *Ṣā'* as Ibrahim did for Makkah."

٢١٢٩ - حَدَّثَنَا مُوسَى: حدَّثنا وُهَيْبٌ: حدَّثَنا عَمْرُو بنُ يَحْيَى، عَنْ عَبَّادِ بنِ تَمِيمٍ الأَنْصارِيِّ، عَنْ عَبْدِ اللهِ بنِ زَيْدٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ: «أَنَّ إِبْرَاهِيمَ حَرَّمَ مَكَّةَ ودَعا لَها، وحَرَّمْتُ المَدِينَةَ كما حَرَّمَ إِبْرَاهِيمُ مَكَّةَ ودَعَوْتُ لَها في مُدِّها وصَاعِها مِثْلَ ما دَعا إِبْرَاهِيمُ [عليه السَّلام] لِمَكَّةَ».

2130. Narrated Anas bin Malik رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ said, "O Allāh bestow Your Blessings on their measures, bless their *Mudd* and *Ṣā'*." The Prophet ﷺ meant the people of Al-Madīna.

٢١٣٠ - حَدَّثَنِي عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ إِسحَاقَ بنِ عَبْدِ اللهِ بنِ أَبي طَلْحَةَ، عَنْ أَنَسِ بنِ مالِكٍ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «اللَّهُمَّ بارِكْ لَهُمْ في مِكْيالِهِمْ، وبارِكْ لَهُمْ في صاعِهِمْ، ومُدِّهِمْ» يَعْني: أَهْلَ المَدِينَةِ. [انظر: ٦٧١٤، ٧٣٣١]

(54) CHAPTER. What is said about the selling of the foodstuff and its storage.

(٥٤) باب مَا يُذْكَرُ في بَيْعِ الطَّعامِ والحُكْرَةِ.

2131. Narrated Sālim that his father said, "I saw those who used to buy foodstuff without measuring or weighing in the lifetime

٢١٣١ - حَدَّثَنِي إِسحَاقُ بنُ إِبْرَاهِيمَ: أَخْبَرَنا الوَلِيدُ بنُ مُسْلِمٍ،

of the Prophet ﷺ being punished if they sold it before carrying it to their own houses."

عَنِ الأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، عَنْ سالِمٍ، عَنْ أَبِيهِ رَضِيَ اللهُ عَنْهُ قالَ: رَأَيْتُ الَّذِينَ يَشْتَرُونَ الطَّعامَ مُجازَفَةً يُضْرَبُونَ عَلى عَهْدِ رَسُولِ اللهِ ﷺ أَنْ يَبِيعُوهُ حَتَّى يُؤْوُوهُ إِلى رِحالِهِمْ.

[انظر: ٢١٢٣]

2132. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما, "Allāh's Messenger ﷺ forbade the selling of foodstuff before its measuring and transferring into one's possession." I asked Ibn 'Abbās, "How is that?" Ibn 'Abbās replied, "It will be just like selling money for money, as the foodstuff has not been handed over to the first purchaser who is the present seller."

٢١٣٢ - حَدَّثَنا مُوسَى بنُ إِسماعِيلَ: حدَّثَنا وُهَيْبٌ، عَنِ ابنِ طاوُسٍ، عَنْ أَبِيهِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: «أَنَّ رَسُولَ اللهِ ﷺ نَهى أَنْ يَبِيعَ الرَّجُلُ طَعاماً حَتَّى يَسْتَوْفِيَهُ». قُلْتُ لابنِ عَبَّاسٍ: كَيْفَ ذَاكَ؟ قالَ: ذَاكَ دَرَاهِمُ بِدَرَاهِمَ، وَالطَّعامُ مُرْجَأٌ. [قالَ أَبُو عَبْدِ اللهِ: ﴿مُرْجَوْنَ﴾: التوبة ١٠٦ مُؤَخَّرُونَ].

[انظر: ٢١٣٥]

2133. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "He who buys foodstuff should not sell it till he has received it."

٢١٣٣ - حدَّثَني أَبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ: حدَّثَنا عَبْدُ اللهِ بنُ دِينارٍ قالَ: سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ: قالَ النَّبِيُّ ﷺ: «مَنِ ابْتاعَ طَعاماً فَلا يَبِعْهُ حَتَّى يَقْبِضَهُ».

[راجع: ٢١٢٤]

2134. Narrated Az-Zuhrī on the authority of Mālik bin 'Aūs that the latter said, "Who has change?" Ṭalḥa said, "I (will have change) when our store-keeper comes from the forest."

Narrated 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The bartering of gold for gold[1], is *Ribā*,

٢١٣٤ - حَدَّثَنا عَلِيٌّ: حدَّثَنا سُفْيانُ: كانَ عَمْرُو بنُ دِينارٍ يُحدِّثُ عَنِ الزُّهْرِيِّ، عَنْ مالِكِ بنِ أَوْسٍ أَنَّهُ قالَ: مَنْ عِنْدَهُ صَرْفٌ؟ فَقالَ طَلْحَةُ: أَنَا، حَتَّى يَجِيءَ خازِنُنا مِنَ الغَابَةِ.

(1) (H. 2134) Some said, "Gold for gold."

قَالَ سُفْيانُ: هُوَ الَّذِي حَفِظْنَاهُ مِنَ الزُّهْرِيِّ لَيْسَ فِيهِ زِيَادَةٌ. فَقالَ: أَخْبَرَنِي مالِكُ بنُ أَوْسٍ: أنه سَمِعَ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ يُخْبِرُ عَنْ رَسُولِ اللهِ ﷺ قالَ: «الذَّهَبُ بالوَرِقِ رِبًا إلَّا هاءَ وهاءَ، والبُرُّ بالبُرِّ رِبًا إلَّا هاءَ وهاءَ، والتَّمْرُ بالتَّمْرِ رِبًا إلَّا هاءَ وهاءَ، والشَّعِيرُ بالشَّعِيرِ رِبًا إلَّا هاءَ وهاءَ». [انظر: ٢١٧٠، ٢١٧٤]

(usury), except if it is from hand to hand and equal in amount, and wheat grain for wheat grain is *Ribā* except if it is from hand to hand and equal in amount, and dates for dates is *Ribā,* except if it is from hand to hand and equal in amount; and barley for barley is *Ribā,* except if it is from hand to hand and equal in amount."

[See *Ribā Al-Faḍl* in the glossary].

(٥٥) بابُ بَيْعِ الطَّعَامِ قَبْلَ أَنْ يُقْبَضَ، وبَيْعِ مَا لَيْسَ عِنْدَكَ.

(55) CHAPTER. The selling of foodstuff before receiving it, and the selling of a thing which you don't have.[1]

٢١٣٥ - حَدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيَانُ قالَ: الَّذِي حَفِظْنَاهُ مِنْ عَمْرِو بنِ دِينَارٍ سَمِعَ طاوُساً يَقُولُ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: أَمَّا الَّذِي نَهَى عَنْهُ النَّبِيُّ ﷺ فَهُوَ الطَّعَامُ أَنْ يُبَاعَ حتَّى يُقْبَضَ. قالَ ابنُ عَبَّاسٍ: ولا أَحْسِبُ كُلَّ شَيْءٍ إلَّا مِثْلَهُ. [راجع: ٢١٣٢]

2135. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ forbade the selling of foodstuff before receiving it. I consider that all types of sellings should be done in the same way.

٢١٣٦ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حدَّثَنا مالِكٌ، عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ النَّبِيَّ ﷺ قالَ: «مَنِ ابْتَاعَ طَعَاماً فَلا يَبِعْهُ حَتَّى يَسْتَوْفِيَهُ». زَادَ إسْمَاعِيلُ: فَلا يَبِعْهُ حتَّى يَقْبِضَهُ». [راجع: ٢١٢٤]

2136. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "The buyer of foodstuff should not sell it before it has been measured for him." Ismā'īl narrated instead, "He should not sell it before receiving it."

(1) (Ch. 55) If one buys foodstuff for one pound and sells it for two pounds before receiving it from the first seller, the transaction is illegal for it is usurious, for it is as if one bartered gold for gold, one pound for two pound. It is also the sale of something absent for something present which is also illegal. (*Al-Qasṭalāni* Vol. 4).

(٥٦) **بابٌ مَنْ رَأى إذَا اشْتَرَى طَعَاماً جِزَافاً أنْ لا يَبِيعَهُ حتَّى يُؤْوِيَهُ إلى رَحْلِهِ، والأدَبِ في ذٰلِكَ.**

(56) CHAPTER. Whoever had the opinion that whoever bought foodstuff without measuring or weighing (blindly) should not sell it before bringing it into his house; and the punishment for whoever disobeys this order.

٢١٣٧ - **حَدَّثَنَا** يَحْيَى بنُ بُكَيْرٍ: حدَّثَنا اللَّيْثُ، عَنْ يُونُسَ، عَنِ ابنِ شِهابٍ قالَ: أَخْبَرَنِي سالِمُ بنُ عَبْدِ اللهِ: أنَّ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: لَقَدْ رَأَيْتُ النَّاسَ في عَهْدِ رَسُولِ اللهِ ﷺ يَبْتَاعُونَ جِزَافاً - يَعْنِي الطَّعَامَ - يُضْرَبُونَ أَنْ يَبِيعُوهُ في مَكانِهِمْ حتَّى يُؤْوُهُ إلى رِحَالِهِمْ. [راجع: ٢١٢٣]

2137. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: I saw the people buy foodstuff randomly (i.e., blindly without measuring it) in the lifetime of Allāh's Messenger ﷺ and they were punished (by beating), if they tried to sell it before carrying it to their own houses.

(٥٧) **بابٌ إذَا اشْتَرَى مَتَاعاً أَوْ دَابَّةً فَوَضَعَهُ عِنْدَ البائِعِ أَوْ ماتَ قَبْلَ أَنْ يُقْبَضَ.**

(57) CHAPTER. If somebody buys some goods or (an) animal and let it with the seller, or it dies before he takes it into his possession.

وقالَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما: مَا أَدْرَكَتِ الصَّفْقَةُ حَيّاً مَجْمُوعاً فَهُوَ مِنَ المُبْتَاعِ.

Ibn 'Umar رَضِيَ اللهُ عَنْهُما said, "If at the time of the transaction the sold animal is living and then it dies while still in the custody of the seller, then the buyer is the loser."

٢١٣٨ - **حَدَّثَنَا** فَرْوَةُ بنُ أَبِي المَغْرَاءِ: أَخْبَرَنا عَلِيُّ بنُ مُسْهِرٍ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: لَقَلَّ يَوْمٌ كانَ يَأْتِي عَلى النَّبِيِّ ﷺ إلَّا يَأْتِي فِيهِ بَيْتَ أَبِي بَكْرٍ أَحَدَ طَرَفَي النَّهارِ، فَلَمَّا أُذِنَ لَهُ في الخُرُوجِ إلى المَدِينَةِ لَمْ يَرُعْنَا إلَّا وقَدْ أَتَانَا ظُهْراً فَخُبِّرَ بِهِ أَبُو بَكْرٍ، فَقالَ: مَا جاءَنَا النَّبِيُّ ﷺ في هٰذِهِ

2138. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Rarely did the Prophet ﷺ fail to visit Abū Bakr's house everyday, either in the morning or in the evening. When the permission for emigration to Al-Madīna was granted, all of a sudden the Prophet ﷺ came to us at noon and Abū Bakr was informed, who said, "Certainly the Prophet ﷺ has come for some urgent matter." The Prophet ﷺ said to Abū Bakr, when the latter entered, "Let nobody stay in your home." Abū Bakr said, "O Allāh's Messenger! There are only my two daughters (namely 'Āishah and Asmā) present." The Prophet ﷺ said, "I feel (am

السَّاعَةِ إِلَّا لأَمْرٍ حَدَثَ. فَلَمَّا دَخَلَ عَلَيْهِ قالَ لأَبِي بَكْرٍ: «أَخْرِجْ مِنْ عِنْدَكَ». قالَ: يا رَسُولَ اللهِ، إِنَّمَا هُما ابْنَتَايَ - يَعْنِي عَائِشَةَ وأَسْماءَ - قالَ: «أَشَعَرْتَ أَنَّهُ قَدْ أُذِنَ لِي في الخُرُوجِ؟» قالَ: الصُّحْبَةَ يا رَسُولَ اللهِ، قالَ: «الصُّحْبَةَ»، قالَ: يا رَسُولَ اللهِ، إِنَّ عِنْدِي نَاقَتَيْنِ أَعْدَدْتُهُما لِلخُرُوجِ فَخُذْ إِحْدَاهُما، قالَ: «قَدْ أَخَذْتُها بِالثَّمَنِ». [راجع: ٤٧٦]

informed) that I have been granted the permission for emigration." Abū Bakr said, "I will accompany you, O Allāh's Messenger!" The Prophet ﷺ said, "You will accompany me." Abū Bakr then said, "O Allāh's Messenger! I have two she-camels I have prepared specially for emigration, so I offer you one of them." The Prophet ﷺ said, "I have accepted it on the condition that I will pay its price."

(٥٨) بابٌ لا يَبِيعُ عَلى بَيْعِ أَخِيهِ، ولا يَسُومُ عَلى سَوْمِ أَخِيهِ حَتَّى يأذَنَ لَهُ أَوْ يَتْرُكَ.

(58) CHAPTER. A seller should not urge somebody (in case of optional sale) to cancel a bargain the latter has already agreed upon with another seller so as to sell him his own goods; and a buyer should not urge the seller to cancel a bargain already agreed upon with another buyer so as to buy the goods himself, unless they are given permission in both cases, or the bargains are cancelled with the willingness of both the seller and the buyer.

٢١٣٩ - حَدَّثَنَا إِسْمَاعِيلُ قالَ: حدَّثَني مالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «لا يَبِيعُ بَعْضُكُمْ عَلى بَيْعِ أَخِيهِ». [انظر: ٢١٦٥، ٥١٤٢]

2139. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Do not urge somebody to return what he has already bought (i.e., in optional sale) from another seller so as to sell him your own goods."

٢١٤٠ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِاللهِ: حدَّثَنا سُفْيانُ: حَدَّثَنا الزُّهْرِيُّ، عَنْ سَعِيدِ ابنِ المُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ

2140. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ forbade the selling of things by a town dweller on behalf of a desert dweller; and similarly *Najsh*[1] was

(1) (H. 2140) *Najsh* means to offer a high price for something without having the intention to buy it but just to cheat somebody else who really wants to buy it. Such a person may agree with the seller to offer high prices before the buyers to cheat them, in which=

forbidden. And one should not urge somebody to return the goods to the seller so as to sell him his own goods; nor should one demand the hand of a girl who has already been engaged to someone else; and a woman should not try to cause some other woman to be divorced in order to take her place.

رَضِيَ اللهُ عَنْهُ قالَ: نَهَى رَسُولُ اللهِ ﷺ أَنْ يَبِيعَ حاضِرٌ لِبادٍ ولا تَناجَشُوا، ولا يَبِيعُ الرَّجُلُ عَلى بَيْعِ أَخِيهِ، ولا يَخْطُبُ عَلى خِطْبَةِ أَخِيهِ، ولا تَسْأَلُ المَرْأَةُ طَلاقَ أُخْتِهَا لِتَكْفَأَ مَا في إِنَائِهَا». [انظر: ٢١٤٨، ٢١٥٠، ٢١٥١، ٢١٦٠، ٢١٦٢، ٢٧٢٣، ٢٧٢٧، ٥١٤٤، ٥١٥٢، ٦٦٠١]

(59) CHAPTER. Selling by auction.

(٥٩) بابُ بَيْعِ المُزَايَدَةِ

'Aṭā' said, "I saw the people seeing no harm in selling war booty by auction."

وقالَ عَطاءٌ: أَدْرَكْتُ النَّاسَ لا يَرَوْنَ بأساً بِبَيْعِ المَغانِمِ فِيمَنْ يَزِيدُ.

2141. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: A man decided that a slave of his would be manumitted after his death and later on he was in need of money, so the Prophet ﷺ took the slave and said, "Who will buy this slave from me?" Nu'aim bin 'Abdullāh bought him for such price and the Prophet ﷺ gave him the slave.

٢١٤١ - حَدَّثَنا بِشْرُ بنُ مُحَمَّدٍ: أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا الحُسَيْنُ المُكْتِبُ، عَنْ عَطاءِ بنِ أَبِي رَباحٍ عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: أَنَّ رَجُلاً أَعْتَقَ غُلاماً لَهُ عَنْ دُبُرٍ. فاحْتاجَ فأَخَذَهُ النَّبِيُّ ﷺ فَقالَ: «مَنْ يَشْتَرِيهِ مِنِّي؟» فاشْتَراهُ نُعَيْمُ بنُ عَبْدِ اللهِ بِكَذَا وكَذَا، فَدَفَعَهُ إِلَيْهِ. [انظر: ٢٢٣٠، ٢٢٣١، ٢٤٠٣، ٢٤١٥، ٢٥٣٤، ٦٧١٦، ٦٩٤٧، ٧١٨٦]

(60) CHAPTER. ***An-Najsh***[1] **and whoever said: "A bargain carried out in such a way (*Najsh*) is not valid."**

(٦٠) بابُ النَّجْشِ، ومَنْ قالَ: لا يَجُوزُ ذٰلكَ البَيْعُ

Ibn Abī Aūfā said, "One who practices *Najsh* is a *Ribā*-eating traitor." And such a practice is a false trick which is forbidden, and the Prophet ﷺ said, "Deception would

وقالَ ابنُ أَبِي أَوْفى: النَّاجِشُ آكِلُ رِبًا خائِنٌ. وهُوَ خِدَاعٌ باطِلٌ لا يَحِلُّ. قالَ النَّبِيُّ ﷺ: «الخَدِيعَةُ في

=case both this man and the seller are sinful. The seller may falsely tell the buyer that he (i.e.the seller) has previously bought the goods at a certain price which is in reality higher than the actual price.

(1) (Chap. 60) *An-Najash*: See the glossary.

النَّارِ، ومَنْ عَمِلَ عَمَلاً لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ».

lead to the Fire (Hell) and whoever does a deed which we have not ordered (anyone) to do (or is not in accord with our religion of Islāmic Monotheism) then that deed will not be accepted." [See *Hadīth* No.2697. Also see *Fath Al-Bārī*]

٢١٤٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حدَّثنا مالِكٌ، عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: نَهَى النَّبِيُّ ﷺ عَنِ النَّجْشِ. [انظر: ٦٩٦٣]

2142. Narrated Ibn 'Umar رَضِيَ الله عَنهُما: Allāh's Messenger ﷺ forbade *Najsh*.

(٦١) بابُ بَيْعِ الغَرَرِ وحَبَلِ الحَبَلَةِ

(61) CHAPTER. *Al-Gharar* (the sale of what is not present)[1] and *Habal-il-Habala* (i.e., the sale of what is in the womb of an animal).

٢١٤٣ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ بَيْعِ حَبَلِ الحَبَلَةِ، وكانَ بَيْعاً يَتَبايَعُهُ أَهْلُ الجاهِلِيَّةِ كانَ الرَّجُلُ يَبْتَاعُ الجَزُورَ إلى أَنْ تُنْتَجَ النَّاقَةُ ثُمَّ تُنْتَجُ الَّتِي في بَطْنِها. [انظر: ٢٢٥٦، ٣٨٤٣]

2143. Narrated 'Abdullah bin 'Umar رَضِيَ الله عَنهُما: Allāh's Messenger ﷺ forbade the sale called *Habal-il-Habala* which was a kind of sale practised in the Pre-Islāmic Period of Ignorance. One would pay the price of a she-camel which was not born yet, and would be born by the immediate offspring of an extant she-camel.

(٦٢) بابُ بَيْعِ المُلامَسَةِ

(62) CHAPTER. *Al-Limās* or *Mulāmasa* sale[2], i.e., by touching the thing only and not looking at it.

قالَ أَنَسٌ: نَهَى النَّبِيُّ ﷺ عَنْهُ.

Anas said, "The Prophet ﷺ forbade it (i.e., *Al-Mulāmasa* sale).

٢١٤٤ - حَدَّثَنَا سَعِيدُ بنُ عُفَيْرٍ قالَ: حدَّثني اللَّيْثُ قالَ: حدَّثني

2144. Narrated Abū Sa'īd رَضِيَ الله عَنهُ: Allāh's Messenger ﷺ forbade the selling by

(1) (Ch. 61) As an example of *Al-Gharar* sale is to sell fish that are still not caught or a bird that has not been caught yet, etc.

(2) (Ch. 62) The sale of *Mulāmasa* has different forms: The sale becomes valid on the buyer's touching the clothes without checking or looking at them. For example, one brings a folded garment, or in the dark and the buyer offers a price and the owner of the garment says, "I sell it to you on condition that you will only touch it, not see it, and if you see it, you have no option to cancel the sale."

عُقَيْلٌ، عَنِ ابنِ شِهَابٍ قالَ: أَخْبَرَنِي عامِرُ بنُ سَعْدٍ أَنَّ أَبَا سَعِيدٍ رَضِيَ اللهُ عَنْهُ: أَخْبَرَهُ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنِ المُنَابَذَةِ، وهِيَ طَرْحُ الرَّجُلِ ثَوْبَهُ بالبَيْعِ إلى رَجُلٍ قَبْلَ أَنْ يُقَلِّبَهُ أَوْ يَنْظُرَ إِلَيْهِ. ونَهَى عَنِ المُلامَسَةِ، والمُلامَسَةُ لَمْسُ الثَّوْبِ لا يَنْظُرُ إِلَيْهِ. [راجع: ٣٦٧]

Munābadha,[1] i.e., to sell one's garment by casting it to the buyer not allowing him to examine or see it.

Similarly he forbade the selling by *Mulāmasa*. *Mulāmasa* is to buy a garment, for example, by merely touching it, not looking at it.

٢١٤٥ - حَدَّثَنَا قُتَيْبَةُ: حدَّثنا عَبْدُ الوَهَّابِ: حدَّثَنا أَيُّوبُ، عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: نُهِيَ عَنْ لِبْسَتَيْنِ، أَنْ يَحْتَبِيَ الرَّجُلُ في الثَّوْبِ الوَاحِدِ ثُمَّ يَرْفَعَهُ عَلى مَنْكِبِهِ. وعَنْ بَيْعَتَيْنِ: اللِّماسِ والنِّباذِ. [راجع: ٣٦٨]

2145. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade two kinds of dressing; (one of them) is to sit with one's legs drawn up while wrapped in one garment. (The other) is to lift that garment on one's shoulders. And also forbade two kinds of sale: *Al-Limās* and *An-Nibādh*.

(٦٣) بابُ بَيْعِ المُنابَذَةِ.

(63) CHAPTER. Selling by *Munābadha*.

وقالَ أَنَسٌ: نَهَى عَنْهُ النَّبِيُّ ﷺ.

And Anas said, "The Prophet ﷺ forbade such sale."

٢١٤٦ - حَدَّثَنَا إِسْمَاعِيلُ قالَ: حدَّثَني مالِكٌ، عَنْ مُحَمَّدِ بنِ يَحْيَى بنِ حَبَّانَ، عَنْ أَبِي الزِّنادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنِ المُلامَسَةِ والمُنَابَذَةِ. [راجع: ٣٦٨]

2146. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ forbade selling by *Mulāmasa* and *Munābadha*.

٢١٤٧ - حَدَّثَنَا عَيَّاشُ بنُ الوَلِيدِ:

2147. Narrated Abū Sa'īd رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade two kinds of dresses and

(1) (H. 2144) The sale by *Munābadha* is like gambling: Two persons may agree to barter one thing for another without seeing or checking either of them. One may say to another, "I barter my garment for your garment," and the sale is achieved without either of them seeing the garment of the other. Or, one may say, "I give you what I have and you give me what you have," and thus they buy from each other without knowing how much each has had.

حدَّثنا عَبْدُ الأَعْلَى: حدَّثنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عَطاءِ بنِ يَزِيدَ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى النَّبِيُّ ﷺ عَنْ لِبْسَتَيْنِ وعَنْ بَيْعَتَيْنِ، المُلامَسَةِ والمُنَابَذَةِ. [راجع: ٣٦٧]

two kinds of sale, i.e., *Mulāmasa* and *Munābadha*.

(٦٤) بابُ النَّهيِ للبَائِعِ أَنْ لا يُحَفِّلَ الإبلَ والبَقَرَ والغَنَمَ وكُلَّ مُحَفَّلَةٍ،

والمُصَرَّاةُ الَّتِي صُرِّيَ لَبَنُها وحُقِنَ فِيهِ وجُمِعَ فَلَمْ يُحْلَبْ أَيَّاماً. وأَصْلُ التَّصْرِيَةِ: حَبْسُ المَاءِ، يُقالُ مِنْهُ: صَرَّيْتُ الماءَ: إذا حَبَسْتَهُ.

(64) CHAPTER. The seller is not allowed to keep camels, cows, sheep or any other animal unmilked for a long time (so as to get more price by cheating).

٢١٤٨ - **حدَّثنا** ابنُ بُكَيْرٍ: حدَّثنا اللَّيْثُ، عَنْ جَعْفَرِ بنِ رَبِيعَةَ، عَنِ الأَعْرَجِ، قالَ أَبُو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ: «لا تُصَرُّوا الإبِلَ والغَنَمَ، فمَنِ ابْتَاعَها بَعْدُ فإنَّهُ بِخَيْرِ النَّظَرَيْنِ بَعْدَ أَنْ يَحْتَلِبَها، إنْ شَاءَ أَمْسَكَ وإنْ شَاءَ رَدَّهَا وصاعَ تَمْرٍ». ويُذْكَرُ عَنْ أَبِي صَالِحٍ ومُجَاهِدٍ والوَلِيدِ بنِ رَباحٍ ومُوسَى بنِ يَسارٍ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ: «صاعَ تَمْرٍ». وقالَ بَعْضُهُمْ عَنِ ابنِ سِيرِينَ صَاعاً مِنْ طَعامٍ وهُوَ بالخِيَارِ ثَلاثاً. وقالَ بَعْضُهُمْ عَنِ ابنِ سِيرِينَ: «صَاعاً مِنْ تَمْرٍ»، ولَمْ يَذْكُرْ: ثَلاثاً. والتَّمْرُ أَكْثَرُ. [راجع: ٢١٤٠]

2148. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Don't keep camels and sheep unmilked for a long time, for whoever buys such an animal has the option to milk it, and then either to keep it or return it to the owner along with one *Ṣā'* of dates."

Some narrated from Ibn Sīrīn (that the Prophet ﷺ had said), "One *Ṣā'* of wheat, and he has the option for three days."

And some narrated from Ibn Sīrīn, "...a *Ṣā'* of dates," not mentioning the option for three days. But a *Ṣā'* of dates' is mentioned in most of the narrations.

٢١٤٩ - **حدَّثنا** مُسَدَّدٌ: حدَّثنا مُعْتَمِرٌ قالَ: سَمِعْتُ أَبِي يَقُولُ:

2149. Narrated 'Abdullāh bin Mas'ūd رَضِيَ اللهُ عَنْهُ: Whoever buys a sheep which has not been milked for a long time, has the option of

returning it along with one *Ṣā'* of dates; and the Prophet ﷺ forbade going to meet the seller on the way (as he has no knowledge of the market price and he may sell his goods at a low price).

حدَّثنا أَبو عُثْمانَ، عَنْ عَبْدِ اللهِ بنِ مَسْعُودٍ رَضِيَ اللهُ عَنْهُ قالَ: مَنِ اشْتَرَى شَاةً مُحَفَّلَةً فَرَدَّها فَلْيَرُدَّ مَعَهَا صَاعاً مِن تَمر ونَهَى النَّبِيُّ ﷺ أَنْ تُلَقَّى البُيُوعُ. [انظر: ٢١٦٤]

2150. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Do not go forward to meet the caravan (to buy from it on the way before it reaches the town). And do not urge buyers to cancel their purchases to sell them (your own goods) yourselves, and do not practise *Najsh*. A town dweller should not sell the goods for the desert dweller. Do not leave sheep unmilked for a long time when they are on sale, and whoever buys such an animal has the option of returning it, after milking it, along with a *Ṣā'* of dates or keeping it."

٢١٥٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «لا تَلَقَّوُا الرُّكْبَانَ، ولا يَبِعْ بَعْضُكُمْ عَلى بَيْعِ بَعْضٍ ولا تَنَاجَشُوا، ولا يَبِعْ حاضِرٌ لِبَادٍ، ولا تُصَرُّوا الغَنَمَ. ومَنِ ابْتاعَهَا فَهُوَ بِخَيْرِ النَّظَرَيْنِ بَعْدَ أَنْ يَحْلِبُهَا، إِنْ رَضِيهَا أَمْسَكَها، وإِنْ سَخِطَها رَدَّها وصَاعاً مِنْ تَمْرٍ». [راجع: ٢١٤٠]

(65) CHAPTER. The option of returning an animal, after milking it, along with a *Ṣā'* of dates (as the price of the milk), if it has been kept unmilked for a long period by the seller (to deceive others).

(٦٥) بابٌ إِنْ شَاءَ رَدَّ المُصَرَّاةَ وفِي حَلْبَتِها صَاعٌ مِنْ تَمْرٍ.

2151. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever buys a sheep which has been kept unmilked for a long period, and milks it, can keep it if he is satisfied, and if he is not satisfied, he can return it, but he should pay one *Ṣā'* of dates for the milk."

٢١٥١ - حَدَّثَنَا مُحَمَّدُ بنُ عَمْرٍو: حدَّثنا المَكِّيُّ: أَخْبَرَنا ابنُ جُرَيْجٍ قالَ: أَخْبَرَنِي زِيادٌ: أَنَّ ثَابِتاً مَوْلَى عَبْدِ الرَّحْمٰنِ بنِ زَيْدٍ أَخْبَرَهُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «مَنِ اشْتَرَى غَنَماً مُصَرَّاةً فاحْتَلَبَها فإِنْ رَضِيَهَا أَمْسَكَها، وإِنْ سَخِطَها فَفِي حَلْبَتِها صَاعٌ مِنْ تَمْرٍ». [راجع: ٢١٤٠]

(66) CHAPTER. The selling of an adulterer slave.

And Shuraih said, "The buyer can return him to the owner if he wishes because of illegal sexual intercourse."

(٦٦) بابُ بَيْعِ العَبْدِ الزَّاني.

وقال شُرَيْحٌ: إنْ شَاءَ رَدَّ مِنَ الزِّنا.

2152. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "If a slave-girl commits illegal sexual intercourse and it is proved beyond doubt, then her owner should lash her and should not blame her after the legal punishment. And then if she repeats the illegal sexual intercourse, he should lash her again and should not blame her after the legal punishment, and if she commits it a third time then he should sell her even for a hair rope."

٢١٥٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثنا اللَّيْثُ قالَ: حدَّثني سَعِيدٌ المَقْبُرِيُّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّهُ سَمِعَهُ يَقُولُ: قالَ النَّبِيُّ ﷺ: «إذَا زَنَتِ الأَمَةُ فَتَبَيَّنَ زِنَاها فَلْيَجْلِدْها ولا يُثَرِّبْ. ثُمَّ إنْ زَنَتْ فَلْيَجْلِدْها ولا يُثَرِّبْ. ثُمَّ إنَّ زَنَتِ الثَّالِثَةَ فَلْيَبِعْها ولَوْ بِحَبْلٍ مِنْ شَعَرٍ». [انظر: ٢١٥٣، ٢٢٣٣، ٢٢٣٤، ٢٥٥٥، ٦٨٣٧، ٦٨٣٩]

2153, 2154. Narrated Abū Hurairah and Zaid bin Khalid رَضِيَ الله عَنْهُما: Allāh's Messenger ﷺ was asked about the slave-girl, if she was a virgin and committed illegal sexual intercourse. The Prophet ﷺ said, "If she committed sexual intercourse, lash her, and if she did it a second time, then lash her again, and if she repeated the third time, then sell her even for a hair rope." Ibn Shihāb said, "I don't know whether to sell her after the third or fourth offense."

٢١٥٣، ٢١٥٤ - حَدَّثَنَا إسْمَاعِيلُ قالَ: حدَّثني مالِكٌ، عَنِ ابنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ ابنِ عَبْدِ اللهِ، عَنْ أَبِي هُرَيْرَةَ وزَيْدِ بنِ خَالِدٍ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ سُئِلَ عَنِ الأَمَةِ إذَا زَنَتْ ولَمْ تُحْصِنْ قالَ: «إنْ زَنَتْ فاجْلِدُوهَا، ثُمَّ إنْ زَنَتْ فَاجْلِدُوها، ثُمَّ إنْ زَنَتْ فَبِيعُوهَا ولَوْ بِضَفِيرٍ». قالَ ابنُ شِهابٍ: لا أَدْرِي أبعد الثَّالِثَةِ أَوِ الرَّابِعَةِ. [راجع: ٢١٥٢، وانظر: ٢٢٣٢، ٢٥٥٦، ٦٨٣٨]

(67) CHAPTER. Dealing with women in selling and buying.

(٦٧) بابُ الشِّرَاءِ والبَيْعِ مَعَ النِّسَاءِ

2155. Narrated 'Āishah رَضِيَ الله عَنْها: Allāh's Messenger ﷺ came to me and I told

٢١٥٥ - حَدَّثَنَا أَبُو اليَمانِ:

أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ، قالَ عُرْوَةُ بنُ الزُّبَيرِ: قالَت عائِشَةُ رَضِيَ اللهُ عَنْها: دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ فَذَكَرْتُ لَهُ فَقالَ رَسُولُ اللهِ ﷺ: «اشْتَرِي وأَعْتِقِي فإنَّما الوَلاءُ لِمَنْ أَعْتَقَ»، ثُمَّ قامَ النَّبِيُّ ﷺ مِنَ العَشِيِّ فأَثْنَى عَلى اللهِ بِما هُوَ أَهْلُهُ، ثُمَّ قالَ: «ما بالُ الناسِ يَشْتَرِطُونَ شُرُوطاً لَيْسَ فِي كِتابِ اللهِ مَنِ اشْتَرَطَ شَرْطاً لَيْسَ فِي كِتابِ اللهِ فَهُوَ باطِلٌ وإنِ اشْتَرَطَ مِائَةَ شَرْطٍ، شَرْطُ اللهِ أَحَقُّ وأَوْثَقُ». [راجع: ٤٥٦]

him about the slave-girl (Barira) Allāh's Messenger ﷺ said, "Buy and manumit her, for the *Walā'*[1] is for the one who manumits." In the evening the Prophet ﷺ got up and glorified Allāh as He deserved and then said, "Why do some people impose conditions which are not present in Allāh's Book (laws)? Whoever imposes such a condition as is not in Allāh's Laws, then that condition is invalid even if he imposes one hundred conditions, for Allāh's Conditions are the Truth and the most reliable."

٢١٥٦ - حَدَّثَنا حَسَّانُ بنُ أَبِي عَبَّادٍ: حدَّثَنا هَمَّامٌ قالَ: سَمِعْتُ نافِعاً: عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْها ساوَمَتْ بَرِيرَةَ فَخَرَجَ إِلَى الصَّلاةِ. فَلَمَّا جاءَ قالَتْ: إِنَّهُمْ أَبَوا أَنْ يَبِيعُوها إِلَّا أَنْ يَشْتَرِطُوا الْوَلاءَ فَقالَ النبيُّ ﷺ: «إِنَّما الوَلاءُ لِمَنْ أَعْتَقَ». قُلْتُ لِنافِعٍ: حُرّاً كانَ زَوْجُها أَوْ عَبْداً؟ فَقالَ: ما يُدْرِينِي؟ [انظر: ٢١٦٩، ٢٥٦٢، ٦٧٥٢، ٦٧٥٧، ٦٧٥٩]

2156. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما : 'Āishah رَضِيَ اللهُ عَنْها wanted to buy Barira and he (the Prophet ﷺ) went out for the *Salāt* (prayer). When he returned, she told him that they (her masters) refused to sell her except on the condition that her *Walā'* would go to them. The Prophet ﷺ replied, "The *Walā'* would go to him who manumits." Hammām asked Nāfi' whether her (Barira's) husband was a free man or a slave. He replied that he did not know.

(٦٨) بابٌ هَلْ يَبِيعُ حاضِرٌ لِبادٍ بِغَيرِ أَجْرٍ؟ وَهَلْ يُعِينُهُ أَوْ يَنْصَحُهُ؟

(68) CHAPTER. Is it permissible for a person from the town to sell the goods of a desert dweller without taking commission? Should he help him or try to advise him?

وَقالَ النَّبِيُّ ﷺ: «إِذا اسْتَنْصَحَ

The Prophet ﷺ said, "If somebody asked

(1) (H. 2155) *Walā'*: See glossary.

the advice of someone else, then the latter should advise him." Aṭā allowed it (selling the goods of a desert dweller by a town dweller).

أَحَدُكُمْ أَخَاهُ فَلْيَنْصَحْ لَهُ»، ورَخَّص فِيهِ عَطَاءٌ.

2157. Narrated Jarīr رَضِيَ اللهُ عَنْهُ: I gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ for the following: (1) To testify that *Lā ilāha illallāh wā anna Muḥammad-ar-Rasūl Allāh* (none has the right to be worshipped but Allāh, and Muḥammad is Allāh's Messenger). (2) *Iqāmat-aṣ-Ṣalāt*, (3) To pay the *Zakāt*, (4) To listen to and obey (Allāh's and His Prophet's Orders), (5) To be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (Islamic Monotheism and all that Islam orders one to do) and forbid them from *Al-Munkar* (disbelief and polytheism and all that Islam has forbidden) and to help them, and to be merciful and kind to them].

[See H.57 & its chapter].

٢١٥٧ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثنا سُفْيانُ، عَنْ إسْماعِيلَ، عَنْ قَيْسٍ: سَمِعْتُ جَرِيراً رَضِيَ اللهُ عَنْهُ يَقُولُ: بايَعْتُ رَسُولَ اللهِ ﷺ عَلى شَهادَةِ أَنْ لا إِلٰهَ إلَّا اللهُ وأنَّ مُحَمَّداً رَسُولُ اللهِ، وإقَامِ الصَّلاةِ، وإيتَاءِ الزَّكاةِ، والسَّمْعِ والطَّاعَةِ، والنُّصْحِ لِكُلِّ مُسْلِمٍ». [راجع: ٥٧]

2158. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Do not go to meet the caravans on the way (for buying their goods without letting them know the market price); a town dweller should not sell the goods of a desert dweller on behalf of the latter." Ibn 'Abbās was asked, "What does he mean by not selling the goods of a desert dweller by a town dweller?" He said, "He should not become his broker."

٢١٥٨ - حَدَّثَنَا الصَّلْتُ بنُ مُحَمَّدٍ: حدَّثنا عَبْدُ الوَاحِدِ: حدَّثنا مَعْمَرٌ، عَنْ عَبْدِ اللهِ بنِ طَاوسٍ عَنْ أَبِيهِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قالَ رَسُولُ اللهِ ﷺ: «لا تَلَقَّوُا الرُّكْبَانَ ولا يَبِعْ حاضِرٌ لِبادٍ». قالَ: قُلتُ لابنِ عَبَّاسٍ: مَا قَوْلُهُ: «لا يَبِيعُ حاضِرٌ لِبادٍ»؟ قالَ: لا يَكُونُ لَهُ سِمْساراً. [انظر: ٢١٦٣، ٢٢٧٤]

(69) CHAPTER. Whoever hated that an urban person should sell the goods of a desert dweller and charge him for that.

(٦٩) بابُ مَنْ كَرِهَ أَنْ يَبِيعَ حَاضِرٌ لِبادٍ بأجْرٍ

2159. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ forbade the selling of the goods of a desert dweller by a town person.

٢١٥٩ - حَدَّثَني عَبْدُ اللهِ بنُ صَبَّاحٍ: حدَّثنا أَبُو عَلِيٍّ الحَنَفِيُّ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ عَبْدِ اللهِ بنِ دِينَارٍ

قالَ: حدَّثني أبي عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: نَهَى رَسُولُ اللهِ ﷺ أَنْ يَبِيعَ حَاضِرٌ لِبادٍ.

وبِهِ قالَ ابنُ عَبَّاسٍ.

(70) CHAPTER. A town dweller should not buy goods for a desert dweller and charge commission as a broker.

(٧٠) بابٌ يشتري حاضِرٌ لِبادٍ بالسَّمْسَرَةِ

Ibn Sīrīn and Ibrāhīm disliked (working as a broker for a desert dweller) whether as a seller or a buyer. Ibrāhīm said, "Arabs use the word 'to buy' in the meaning of 'to sell'."

وكَرِهَهِ ابنُ سِيرِينَ وإبْراهِيمُ لِلْبائِعِ وللمشتري. قالَ إبْراهِيمُ: إنَّ العَرَبَ تَقُولُ: بِعْ لِي ثَوْباً، وهِيَ تَعْنِي الشِّرَاءَ.

2160. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ said, "A buyer should not urge a seller to restore a purchase so as to buy it himself, and do not practise *Najsh*; and a town dweller should not sell goods of a desert dweller."

٢١٦٠ - حَدَّثَنا المَكِّي بنُ إبْراهِيمَ قالَ: أَخْبَرَني ابنُ جُرَيْجٍ، عَنِ ابنِ شِهابٍ، عَنْ سَعِيدِ بنِ المُسَيَّبِ أَنَّهُ سَمِعَ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «لا يَبْتَعِ المَرْءُ عَلى بَيْعِ أَخِيهِ، ولا تَناجَشُوا، ولا يَبِيعُ حاضِرٌ لِبادٍ».

[راجع: ٢١٤٠]

2161. Narrated Anas bin Mālik رَضِيَ الله عَنْهُ: We were forbidden that a town dweller should sell goods of a desert dweller.

٢١٦١ - حَدَّثَني مُحَمَّدُ بنُ المَثنى: حدَّثَنا مُعاذٌ: حدَّثَنا ابنُ عَوْنٍ، عَنْ مُحَمَّدٍ: قالَ أَنَسُ بنُ مالِكٍ رَضِيَ اللهُ عَنْهُ: نُهِينا أَنْ يَبِيعَ حاضِرٌ لِبادٍ.

(71) CHAPTER. It is forbidden to meet the caravans on the way (to buy the goods away from the market).

(٧١) بابُ النَّهْيِ عَنْ تَلَقِّي الرُّكْبَانِ، وأَنَّ بَيْعَهُ مَرْدُودٌ لأَنَّ صَاحِبَهُ عاصٍ آثِمٌ إذَا كانَ بِهِ عَالماً وهُوَ خِدَاعٌ في البيعِ والخِداعُ لا يَجُوزُ.

And the one who buys them, his bargain is invalid as he is a sinner if he knows it, for it is a kind of deceit, and deceit is forbidden.

2162. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ forbade the meeting (of

٢١٦٢ - حَدَّثَنا مُحَمَّدُ بنُ بَشارٍ:

caravans) on the way and the selling of goods by an inhabitant of the town on behalf of a desert dweller.

حدَّثنا عَبْدُ الوَهَّابِ: حدَّثنا عُبَيْدُ اللهِ العُمَري عَنْ سَعِيد بنِ أَبِي سَعِيدٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى النَّبِيُّ ﷺ عَنِ التَّلَقِّي وأَنْ يَبِيعَ حَاضِرٌ لِبادٍ. [راجع: ٢١٤٠]

2163. Narrated Ṭāwūs: I asked Ibn 'Abbās, "What is the meaning of: 'No town dweller should sell (or buy) on behalf of a desert dweller'?"

Ibn 'Abbās رَضِيَ اللهُ عَنْهُما said, "It means he should not become his broker."

٢١٦٣ - **حَدَّثَنَا** عَيَّاشُ بنُ الوَلِيدِ: حدَّثنا عَبْدُ الأَعْلَى، حدَّثنا مَعْمَرٌ، عَنِ ابنِ طَاوُسٍ، عَنْ أَبِيهِ قالَ: سأَلْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: مَا مَعْنَى قَوْلِهِ: «لا يَبِيعَنَّ حاضِرٌ لِبادٍ»؟ فَقالَ: يَكونُ لَهُ سِمْسَاراً. [راجع: ٢١٥٨]

2164. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: Whoever buys an animal which has been kept unmilked for a long time, could return it, but has to pay a *Ṣā'* of dates along with it. And the Prophet ﷺ forbade meeting the owners of goods on the way, away from the market.

٢١٦٤ - **حَدَّثَنَا** مُسَدَّدٌ: حدَّثنا يَزِيدُ ابنُ زُرَيْعٍ قالَ: حدَّثَني التَّيْمِيُّ، عَنْ أَبِي عُثْمانَ عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: مَنِ اشْتَرَى مُحَفَّلَةً فَلْيَرُدَّ مَعَهَا صاعاً. قالَ: ونَهَى النَّبِيُّ ﷺ عَنْ تَلَقِّي البُيُوعِ. [راجع: ٢١٤٩]

2165. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "You should not try to cancel the purchases of one another (to get a benefit thereof), and do not go ahead to meet the caravan (for buying the goods) (but wait) till it reaches the market."

٢١٦٥ - **حَدَّثَنَا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنَا مالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «لا يَبِيعُ بَعْضُكُمْ عَلى بَيْعِ بَعْضٍ، ولا تَلَقَّوُا السِّلَعَ حتَّى يُهْبَطَ بِهَا إلى السُّوقِ». [راجع: ٢١٣٩]

(72) CHAPTER. The limits to which one can go ahead to meet the caravan.

(٧٢) بابٌ مُنْتَهَى التَّلَقِّي

2166. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: We used to go ahead to meet the caravan and used to buy foodstuff from them. The

٢١٦٦ - **حَدَّثَنَا** مُوسَى بنُ إِسْماعِيلَ قالَ: حدَّثنا جُوَيْرِيَةُ، عَنْ

Prophet ﷺ forbade us to sell it till the foodstuff has reached the market.

نَافِعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قَالَ: كُنَّا نَتَلَقَّى الرُّكْبَانَ فَنَشْتَرِي مِنْهُمُ الطَّعَامَ فَنَهَانَا النَّبِيُّ ﷺ أَنْ نَبِيعَهُ حَتَّى يُبْلَغَ بِهِ سُوقُ الطَّعَامِ. [راجع: ٢١٢٣]

قَالَ أَبُو عَبْدِ اللهِ: هٰذا في أَعْلَى السُّوقِ وَيُبَيِّنُهُ حَدِيثُ عُبَيْدِ اللهِ.

2167. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ:

Some people used to buy foodstuff at the head of the market and used to sell it on the spot. Allāh's Messenger ﷺ forbade them to sell it till they brought it to (their) places.

٢١٦٧ - **حَدَّثَنَا** مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ عُبَيْدِ اللهِ قَالَ: حَدَّثَنِي نَافِعٌ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قَالَ: كَانُوا يَبْتَاعُونَ الطَّعَامَ فِي أَعْلَى السُّوقِ فَيَبِيعُونَهُ فِي مَكَانِهِ، فَنَهَاهُمْ رَسُولُ اللهِ ﷺ أَنْ يَبِيعُوهُ فِي مَكَانِهِ حَتَّى يَنْقُلُوهُ. [راجع: ٢١٢٣]

(73) CHAPTER. If somebody imposes conditions in selling which are forbidden (in) or are against the Islāmic Law.

(٧٣) بَابٌ إِذَا اشْتَرَطَ فِي الْبَيْعِ شُرُوطاً لا تَحِلُّ

2168. Narrated 'Urwa: 'Āishah رَضِيَ اللهُ عَنْها said, "Barira came to me and said, 'I have agreed with my masters to pay them nine *Ūqīya* (of gold) (in instalments) one *Ūqīya* per year; please help me.' I said, 'I am ready to pay the whole amount now provided your masters agree that your ***Walā'*** will be for me.' So, Barira went to her masters and told them about that offer but they refused to accept it. She returned, and at that time, Allāh's Messenger ﷺ was sitting (present). Barira said, 'I told them of the offer but they did not accept it and insisted on having the ***Walā'***. The Prophet ﷺ heard that." 'Āishah narrated the whole story to the Prophet ﷺ. He said to her, "Buy her and stipulate that her ***Walā'*** would be yours as the ***Walā'*** is for the manumitter." 'Āishah did so. Then Allāh's Messenger ﷺ stood up in front of the people, and after glorifying Allāh, he

٢١٦٨ - **حَدَّثَنَا** عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْها قَالَتْ: جَاءَتْنِي بَرِيرَةُ فَقَالَتْ: كَاتَبْتُ أَهْلِي عَلَى تِسْعِ أَوَاقٍ، فِي كُلِّ عَامٍ أُوقِيَّةٌ، فَأَعِينِينِي. فَقُلْتُ: إِنْ أَحَبَّ أَهْلُكِ أَنْ أَعُدَّهَا لَهُمْ وَيَكُونَ وَلاؤُكِ لِي فَعَلْتُ. فَذَهَبَتْ بَرِيرَةُ إِلَى أَهْلِهَا، فَقَالَتْ لَهُمْ فَأَبَوْا ذٰلِكَ عَلَيْهَا. فَجَاءَتْ مِنْ عِنْدِهِمْ وَرَسُولُ اللهِ ﷺ جَالِسٌ، فَقَالَتْ: إِنِّي عَرَضْتُ ذٰلِكَ عَلَيْهِمْ فَأَبَوْا إِلَّا أَنْ يَكُونَ الْوَلاءُ لَهُمْ. فَسَمِعَ النَّبِيُّ ﷺ، فَأَخْبَرَتْ عَائِشَةُ

said, *'Ammā Ba'du* (i.e., then after)! What about the people who impose conditions which are not in Allāh's Book (laws)? Any condition that is not in Allāh's Book (Laws) is invalid even if they were one hundred conditions, for Allāh's Decisions are the right ones and His Conditions are the strong ones (firmer) and the *Walā'* will be for the manumitter."

رضي الله عَنْهَا النَّبِيَّ ﷺ فَقَالَ: «خُذِيهَا واشْتَرِطِي لَهُمُ الوَلاءَ فإنَّما الوَلاءُ لِمَنْ أَعْتَقَ»، فَفَعَلَتْ عَائِشَةُ. ثُمَّ قامَ رَسُولُ اللهِ ﷺ في النَّاسِ فَحَمِدَ اللهِ وأَثْنَى عَلَيْهِ، ثُمَّ قالَ: «أَمَّا بَعْدُ، مَا بالُ رِجالٍ يَشْتَرِطُونَ شُرُوطاً لَيْسَتْ في كِتَابِ اللهِ؟ مَا كانَ مِنْ شَرْطٍ لَيْسَ في كِتَابِ اللهِ فَهُوَ باطِلٌ وإِنْ كانَ مِائَةَ شَرْطٍ، قَضَاءُ اللهِ أَحَقُّ، وشَرْطُ اللهِ أَوْثَقُ، وإِنَّما الوَلاءُ لِمَنْ أَعْتَقَ». [راجع: ٤٥٦]

2169. Narrated 'Abdullāh bin 'Umar رَضِيَ الله عَنْهُما: 'Āishah, (Mother of the Believers) wanted to buy a slave-girl and manumit her, but her masters said that they would sell her only on the condition that her *Walā'* would be for them. 'Āishah told Allāh's Messenger ﷺ of that. He said, "What they stipulate should not hinder you from buying her, as the *Walā'* is for the manumitter."

٢١٦٩ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ عائِشَةَ أُمَّ المُؤمِنِينَ أَرادَتْ أَنْ تَشْتَرِيَ جارِيَةً فَتُعْتِقَهَا فَقالَ أَهْلُها: نَبِيعُكِها عَلى أَنَّ وَلاءَها لَنا. فَذَكَرَتْ ذٰلِكَ لِرَسُولِ اللهِ ﷺ فَقالَ: «لا يَمْنَعُكِ ذٰلِكَ، فإِنَّما الوَلاءُ لِمَنْ أَعْتَقَ». [راجع: ٢١٥٦]

(74) CHAPTER. Selling of dates for dates.

(٧٤) بابُ بَيْعِ التَّمْرِ بالتَّمْرِ.

2170. Narrated Ibn 'Umar رَضِيَ الله عَنْهُما: The Prophet ﷺ said, "The selling of wheat for wheat is *Ribā* (usury), except if it is from hand to hand and equal in amount. Similarly the selling of barley for barley is *Ribā,* except if it is from hand to hand and equal in amount and dates for dates is usury except if it is from hand to hand and equal in amount."

[See *Ribā Al-Faḍl* in the glossary].

٢١٧٠ - حَدَّثَنَا أَبُو الوَلِيدِ: حدَّثنا لَيْثٌ، عَنِ ابنِ شِهابٍ، عَنْ مالِكِ بنِ أَوْسٍ: سَمِعَ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قالَ: «البُرُّ بالبُرِّ رِبًا إِلَّا هاءَ وهاءَ، والشَّعِيرُ بالشَّعِيرِ رِبًا إِلَّا هاءَ وهاءَ، والتَّمْرُ بالتَّمْرِ رِبًا إِلَّا هاءَ وهاءَ». [راجع: ٢١٣٤]

(75) CHAPTER. The selling of dried grapes for dried grapes and meals for meals.

2171. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ forbade *Muzābana*; and *Muzābana* is the selling of fresh dates for dried old dates by measure, and the selling of fresh grapes for dried grapes by measure.

2172. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ forbade *Muzābana*; and *Muzābana* is the selling of fresh fruit (without measuring it) for something by measure on the basis that if that thing turns to be more than the fruit, the increase would be for the seller of the fruit, and if it turns to be less, that would be of his lot.

2173. Narrated Ibn 'Umar from Zaid bin Thābit رَضِيَ اللهُ عَنْهُم that the Prophet ﷺ allowed the selling of the fruits on the trees after estimation (when they are ripe).

(76) CHAPTER. Selling of barley for barley.

2174. Narrated Ibn Shihāb that Malīk bin 'Aūs said, "I was in need of change for one-hundred Dīnār. Ṭalḥa bin 'Ubaidullāh called me and we discussed the matter, and he agreed to change (my Dīnār). He took the gold pieces and turned and toppled them with his hands, and then said, "Wait till my storekeeper comes from the forest." 'Umar was listening to that and said, "By Allāh! You should not separate from Ṭalḥā till you get the money from him, for Allāh's Messenger ﷺ said, 'The selling of gold for

(٧٥) **بابُ** بَيْعِ الزَّبِيبِ بالزَّبِيبِ، والطَّعَامِ بالطَّعَامِ

٢١٧١ - حَدَّثَنَا إسْمَاعِيلُ: حدَّثني مالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنِ المُزَابَنَةِ. والمُزَابَنَةُ: بَيْعُ الثَّمَرِ بالتَّمْرِ كَيْلاً، وبَيْعُ الزَّبِيبِ بالكَرْمِ كَيْلاً. [انظر: ٢١٧٢، ٢١٨٥، ٢٢٠٥]

٢١٧٢ - حَدَّثَنَا أَبُو النُّعْمانِ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ عَنْ أيوبَ، عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ المُزَابَنَةِ. قالَ: والمُزَابَنَةُ: أَنْ يَبِيعَ الثَّمَرَ بِكَيْلٍ إنْ زَادَ فَلِي وإِنْ نَقَصَ فَعَلَيَّ. [راجع: ٢١٧١]

٢١٧٣ - قالَ: وحدَّثَني زَيْدُ بنُ ثَابِتٍ: أَنَّ النَّبِيَّ ﷺ رَخَّصَ في العَرايا بِخَرْصِها. [انظر: ٢١٨٤، ٢١٨٨، ٢١٩٢، ٢٣٨٠]

(٧٦) **بابُ** بَيْعِ الشَّعِيرِ بالشَّعِيرِ

٢١٧٤ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنِ ابنِ شِهَابٍ، عَنْ مالِكِ بنِ أَوْسٍ: أَخْبَرَهُ أَنَّهُ التَمَسَ صَرْفاً بِمائَةِ دِينارٍ، فَدَعاني طَلْحَةُ بنُ عُبَيْدِ اللهِ فَتَرَاوَضْنا حَتَّى اصْطَرَفَ مِنِّي فأَخَذَ الذَّهَبَ يُقَلِّبُها في يَدِهِ ثُمَّ قالَ: حَتَّى يَأْتِيَ خَازِنِي مِنَ الغَابَةِ، وعُمَرُ يَسْمَعُ ذٰلِكَ. فَقالَ:

والله لا تُفَارِقُهُ حتَّى تَأخُذَ مِنْهُ. قالَ رَسُولُ اللهِ ﷺ: «الذَّهَبُ بالذَّهَبِ رِبًا إلَّا هاءَ وهاءَ والبُرُّ بالبُرِّ رِبًا إلَّا هاءَ وهاءَ، والشَّعِيرُ بالوَرِق رِبًا إلَّا هاءَ وهاءَ، والتَّمْرُ بالتَّمْرِ رِبًا إلَّا هاءَ وهاءَ». [راجع: ٢١٣٤]

gold is *Ribā* (usury), except if the exchange is from hand to hand and equal in amount, and similarly, the selling of wheat for wheat is *Ribā*, unless it is from hand to hand and equal in amount, and the selling of barley for barley is usury unless it is from hand to hand and equal in amount, and dates for dates is usury unless it is from hand to hand and equal in amount."

(٧٧) بابُ بَيْعِ الذَّهَبِ بالذَّهَبِ

(77) CHAPTER. Selling of gold for gold.

٢١٧٥ - حَدَّثَنَا صَدَقَةُ بنُ الفَضْلِ: أَخْبَرَنا إسْمَاعِيلُ بنُ عُلَيَّةَ قالَ: حدَّثَني يَحْيَى بنُ أبي إسْحَاقَ: قالَ حدَّثَنا عَبْدُ الرَّحْمٰنِ بنُ أبي بَكْرَةَ، قالَ [قالَ] أبو بَكْرَةَ رَضِيَ اللهُ عَنْهُ: قالَ رَسُولُ اللهِ ﷺ: «لا تَبيعُوا الذَّهَبَ بِالذَّهَبِ إلَّا سَوَاءً بِسَوَاءٍ، والفِضَّةَ بالفِضَّةِ إلَّا سَوَاءً بِسَوَاءٍ. وبِيْعُوا الذَّهَبَ بالفِضَّةِ والفِضَّةَ بالذَّهَبِ كَيْفَ شِئْتُمْ». [انظر: ٢١٨٢]

2175. Narrated Abū Bakra رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Don't sell gold for gold unless equal in weight, nor silver for silver unless equal in weight, but you could sell gold for silver or silver for gold as you like."

(٧٨) بابُ بَيْعِ الفِضَّةِ بالفِضَّةِ

(78) CHAPTER. Selling of silver for silver.

٢١٧٦ - حَدَّثَني عُبَيْدُ اللهِ بنُ سَعْدٍ: حدَّثَنا عَمِّي: حدَّثَنا ابنُ أخِي الزُّهْرِيِّ، عَنْ عَمِّهِ قالَ: حدَّثَني سالِمُ بنُ عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ أبَا سَعِيدٍ الخُدْرِيَّ حدَّثَه مِثْلَ ذٰلكَ حَدِيثاً عَنْ رَسُولِ اللهِ ﷺ. فَلَقِيَهُ عَبْدُ اللهِ ابنُ عُمَرَ، فَقالَ: يا أبَا سَعِيدٍ! ما هٰذا الَّذي تُحَدِّثُ عَنْ رَسُولِ اللهِ ﷺ؟ فَقالَ أبُو سَعِيدٍ في الصَّرْفِ: سَمِعْتُ

2176. Narrated Abū Sa'īd (concerning exchange) that he heard Allāh's Messenger ﷺ saying, "Do not sell gold for gold unless equal in weight, and do not sell silver for silver unless equal in weight."

رَسُولَ اللهِ ﷺ يَقُولُ: «الذَّهَبُ بِالذَّهَبِ مثلٌ بِمِثْلٍ، والوَرِقُ بالوَرِقِ مثلٌ بِمِثْلٍ». [انظر: ٢١٧٧، ٢١٧٨]

2177. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Do not sell gold for gold unless equivalent in weight (and from hand to hand), and do not sell less amount for greater amount or vice versa; and do not sell silver for silver unless equivalent in weight (from hand to hand), and do not sell less amount for greater amount or vice versa, and do not sell gold or silver that is not present at the moment of exchange for gold or silver that is present.

٢١٧٧ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنَا مالِكٌ، عَنْ نَافِعٍ، عَنْ أَبِي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «لا تَبِيعُوا الذَّهَبَ بالذَّهبِ إلَّا مِثْلاً بِمِثْلٍ، ولا تُشِفُّوا بَعْضَهَا عَلى بَعْضٍ. ولا تَبِيعُوا الوَرِقَ بِالوَرِقِ إِلَّا مِثْلاً بِمِثْلٍ، ولا تُشِفُّوا بَعْضَها عَلى بَعْضٍ، ولا تَبِيعُوا مِنْها غَائِباً بِنَاجِزٍ». [راجع: ٢١٧٦]

(79) CHAPTER. Selling of Dīnār for Dīnār on credit.

(٧٩) بابُ بَيْعِ الدِّينَارِ بالدِّينَارِ نَسَاءً.

2178, 2179. Narrated Abū Ṣāliḥ Az-Zaiyāt: I heard Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ saying, "The selling of a Dīnār for a Dīnār, and a Dirham for a Dirham (is permissible)." I said to him, "Ibn 'Abbās does not say the same." Abū Sa'īd replied, "I asked Ibn 'Abbās whether he had heard it from the Prophet ﷺ or seen it in the Holy Book. Ibn 'Abbas replied, 'I do not claim that, and you know Allāh's Messenger ﷺ better than I, but Usāma informed me that the Prophet ﷺ had said: There is no *Ribā* (usury) (in money exchange) except when it is not done from hand to hand (i.e., when there is delay in payment)'."

٢١٧٨، ٢١٧٩ - حَدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا الضَّحَّاكُ بنُ مَخْلَدٍ: حدَّثَنا ابنُ جُرَيْجٍ قالَ: أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ: أَنَّ أَبَا صَالِحٍ الزَّيَّاتَ أَخْبَرَهُ أَنَّهُ سَمِعَ أَبا سَعِيدٍ الخُدْرِيَّ رَضِيَ اللهُ عَنْهُ يَقُولُ: الدِّينَارُ بالدِّينَارِ، والدِّرْهَمُ بالدِّرْهَمِ، فَقُلْتُ لَهُ: إنَّ ابنَ عَبَّاسٍ لا يَقُولُهُ، فَقالَ أَبُو سَعِيدٍ: سأَلْتُهُ، فَقُلْتُ: سَمِعْتَهُ مِنَ النَّبِيِّ ﷺ أَوْ وَجَدْتَهُ في كِتَابِ اللهِ تعالى؟ فقالَ: كُلَّ ذٰلِكَ لا أَقُولُ وأَنْتُمْ أَعْلَمُ بِرَسُولِ اللهِ ﷺ مِنِّي ولٰكِنِّي أَخْبَرَنِي أُسَامَةُ أَنَّ النَّبِيَّ ﷺ قالَ: «لا رِبَا إِلَّا في النَّسِيئَةِ». [راجع: ٢١٧٦]

(80) CHAPTER. Selling of silver for gold on delayed payment.

(٨٠) بابُ بَيْعِ الوَرِقِ بالذَّهَبِ نَسِيئَةً.

2180, 2181. Narrated Abū Al-Minhāl: I asked Al-Barā' bin 'Āzib and Zaid bin Arqam رَضِيَ اللهُ عَنْهُم about money exchanges. Each of them said, "He is better than I," and both of them said, "Allāh's Messenger ﷺ forbade the selling of silver for gold on credit."

٢١٨٠، ٢١٨١ - حَدَّثَنَا حَفْصُ بنُ عُمَرَ: حدَّثَنا شُعْبَةُ قالَ: أَخْبَرَنِي حَبِيبُ بنُ أَبِي ثَابِتٍ قالَ: سَمِعْتُ أَبَا المِنْهَالِ قالَ: سَأَلْتُ البَرَاءَ بنَ عَازِبٍ وزَيْدَ بنَ أَرْقَمَ رَضِيَ اللهُ عَنْهُم عَنِ الصَّرْفِ فَكُلُّ واحِدٍ مِنْهُمَا يَقُولُ: هٰذَا خَيْرٌ مِنِّي، فَكِلاهُما يَقُولُ: نَهَى رَسُولُ اللهِ ﷺ عَنْ بَيْعِ الذَّهَبِ بِالوَرِقِ دَيْناً. [راجع: ٢٠٦٠، ٢٠٦١]

(81) CHAPTER. Selling of gold for silver from hand to hand (i.e., cash down).

(٨١) بابُ بَيْعِ الذَّهَبِ بالوَرِقِ يَداً بِيَدٍ.

2182. Narrated Abdur-Raḥmān bin Abū Bakra that his father رَضِيَ اللهُ عَنْهُ said,

"The Prophet ﷺ forbade the selling of gold for gold and silver for silver except if they are equivalent in weight (and from hand to hand), and allowed us to sell gold for silver and vice versa as we wished."

٢١٨٢ - حَدَّثَنَا عِمْرَانُ بنُ مَيْسَرَةَ: حدَّثَنا عَبَّادُ بنُ العَوَّامِ: أَخْبَرَنا يَحْيَى ابنُ أَبِي إِسْحَاقَ: حدَّثَنا عَبْدُ الرَّحْمٰنِ ابنُ أَبِي بَكْرَةَ، عَنْ أَبِيهِ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى النَّبِيُّ ﷺ عَنِ الفِضَّةِ بالفِضَّةِ، والذَّهَبِ بالذَّهَبِ إِلَّا سَوَاءً بِسَوَاءٍ، وأَمَرَنَا أَنْ نَبْتَاعَ الذَّهَبَ بالفِضَّةِ كَيْفَ شِئْنَا، والفِضَّةَ في الذَّهَبِ بِالذَّهَبِ كَيْفَ شِئْنَا. [راجع: ٢١٧٥]

(82) CHAPTER. The sale called *Al-Muzābana*; which is the sale of dried dates for fresh ones (that are still on the trees), and dried grapes for fresh grapes and the sale called *Al-'Arāyā* (i.e., the selling of ripe fresh date, still over the palms, by means of estimation, for dry dates)

Anas said, "The Prophet ﷺ forbade the

(٨٢) بابُ بَيْعِ المُزَابَنَةِ، وهِيَ بَيْعُ التَّمْرِ بالثَّمَرِ وبَيْعُ الزَّبِيبِ بِالكَرْمِ، وبَيْعُ العَرَايا.

قالَ أَنَسٌ: نَهَى النَّبِيُّ ﷺ عَنِ المُزَابَنَةِ والمُحاقَلَةِ.

sales called *Muzābana* and *Muḥāqala* (i.e., to sell wheat in ears for pure wheat).

2183. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Do not sell fruits of dates until they become free from all the dangers (of being spoilt or blighted); and do not sell fresh dates for dry dates."

٢١٨٣ - حَدَّثَنا يَحْيَى بنُ بُكَيْرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ: أَخْبَرَنِي سالِمُ بنُ عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «لا تَبيعُوا الثَّمَرَ حَتَّى يَبْدُوَ صَلاحُهُ، ولا تَبيعُوا الثَّمَرَ بِالتَّمْرِ». [راجع: ١٤٨٦]

2184. Sālim and 'Abdullāh added that Zaid bin Thābit' said, "Later on Allāh's Messenger ﷺ permitted the selling of ripe fruits on trees for fresh dates or dried dates in *Bai'il-'Arīya*, and did not allow it for any other kind of sale."

٢١٨٤ - قالَ سالِمٌ: وأَخْبَرَنِي عَبْدُ اللهِ، عَنْ زَيْدِ بنِ ثابِتٍ: أَنَّ رَسُولَ اللهِ ﷺ رَخَّصَ بَعْدَ ذٰلكَ في بَيْعِ العَرَايا بِالرُّطَبِ أَوْ بِالتَّمْرِ، ولَمْ يُرَخِّصْ في غَيْرِهِ. [راجع: ٢١٧٣]

2185. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ forbade *Muzābana*; and *Muzābana* means the selling of fresh dates (on the trees) for dried dates by measure and also the selling of fresh grapes for dried grapes by measure.

٢١٨٥ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنِ المُزَابَنَةِ. والمُزابَنَةُ: بَيْعُ الثَّمَرِ بِالتَّمْرِ كَيْلاً، وبَيْعُ الكَرْمِ بالزَّبِيبِ كَيْلاً. [راجع: ٢١٧١]

2186. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ forbade *Muzābana* and *Muḥāqala*; and *Muzābana* [i.e., the selling of fresh dates still on the trees for dried plucked dates (by measure)].

٢١٨٦ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ دَاوُدَ بنِ الحُصَيْنِ، عَنْ أَبِي سُفْيانَ مَوْلَى ابنِ أَبِي أَحْمَدَ، عَنْ أَبِي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنِ المُزَابَنَةِ والمُحَاقَلَةِ. والمُزَابَنَةُ اشْتِرَاءُ الثَّمَرِ بالتَّمْرِ عَلى رُؤُوسِ النَّخْلِ».

2187. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ forbade *Muzābana* and *Muḥāqala*.

٢١٨٧ - حَدَّثَنا مُسَدَّدٌ: حدَّثنا أَبُو مُعَاوِيَةَ، عَنِ الشَّيْبانِيِّ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: نَهَى النَّبِيُّ ﷺ عَنِ المُحَاقَلَةِ والمُزَابَنَةِ.

2188. Narrated Zaid bin Thābit رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ allowed the owner of *'Arīya*[1] to sell the fruits on the trees by means of estimation.

٢١٨٨ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حدَّثنا مالِكٌ، عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ، عَنْ زَيْدِ ابنِ ثَابِتٍ رَضِيَ اللهُ عَنْهُم: أَنَّ رَسُولَ اللهِ ﷺ أَرْخَصَ لِصَاحِبِ العَرِيَّةِ أَنْ يَبِيعَها بِخَرْصِها.

[راجع: ٢١٧٣]

(83) CHAPTER. The selling of dates still on trees for gold or silver.

(٨٣) بابُ بَيْعِ الثَّمَرِ عَلى رُؤُوسِ النَّخْلِ بِالذَّهَبِ أَوِ الفِضَّةِ

2189. Narrated Jābir رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade the selling of fruits unless they get ripe, and none of them should be sold except for Dīnār or Dirham (i.e., money), except the *'Arāyā* trees (the dates of which could be sold for dates).

٢١٨٩ - حَدَّثَنا يَحْيَى بنُ سُلَيمَانَ: حدَّثنا ابنُ وَهْبٍ: أَخْبَرَنا ابنُ جُرَيْجٍ، عَنْ عَطاءٍ وأَبِي الزُّبَيْرِ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ الثَّمَرِ حتَّى يَطِيبَ، ولا يُبَاعُ شَيْءٌ مِنْهُ إِلَّا بالدِّينارِ والدِّرْهَمِ إِلَّا العَرَايا. [راجع: ١٤٨٧]

2190. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ allowed the sale of the dates of *'Arāyā* provided they were about five *Awsūq* (i.e., approx 675 kgs) (singular: *Wasq* which means sixty *Ṣā'*) or less (in amount).

٢١٩٠ - حَدَّثَنا عَبْدُ اللهِ بنُ عَبْدِ الوَهَّابِ قالَ: سَمِعْتُ مالِكاً، وسَأَلَهُ عُبَيْدُ اللهِ بنُ الرَّبِيعِ: أَحدَّثَكَ دَاوُدُ عَنْ أَبِي سُفْيانَ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ رَخَّصَ في بَيْعِ العَرَايا في خَمْسَةِ أَوْسُقٍ أَو دُونَ

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(1) (H. 2188) *'Arīya*: The selling of fresh dates still over the palm-tree by means of estimation for dry plucked dates and it is an exception. Also see the glossary and H. 2192 and its chapter 84.

خَمْسَةِ أَوْسُقٍ؟ قَالَ: نَعَمْ.
[انظر: ٢٣٨٢]

٢١٩١ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثنا سُفْيانُ قالَ: قالَ يَحْيَى بنُ سَعِيدٍ: سَمِعْتُ بُشَيراً قالَ: سَمِعْتُ سَهْلَ بنَ أَبِي حَثْمَةَ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ بَيْعِ الثَّمَرِ بِالتَّمْرِ، ورَخَّصَ في العَرِيَّةِ أَنْ تُباعَ بِخَرْصِها، يأكُلُها أَهْلُها رُطَباً. وقالَ سُفْيانُ مَرَّةً أُخْرَى: إلا أَنَّهُ رَخَّصَ في العَرِيَّةِ يَبِيعُها أَهْلُها بِخَرْصِها، يَأْكُلُونَها رُطَباً. قالَ: هُوَ سَوَاءٌ، قالَ سُفْيانُ: فَقُلْتُ لِيَحْيَى وأنَا غُلامٌ: إنَّ أَهْلَ مَكَّةَ يَقُولُونَ: إنَّ النَّبِيَّ ﷺ رَخَّصَ لَهُمْ في بَيْعِ العَرَايا، فَقالَ: ومَا يُدْرِي أَهْلَ مَكَّةَ؟ قُلْتُ: إنَّهُمْ يَرْوُونَهُ عَنْ جابِرٍ، فَسَكَتَ قالَ سُفْيانُ: إنَّما أَرَدْتُ أَنَّ جابِراً مِنْ أَهْلِ المَدِينَةِ. قِيلَ لِسُفْيانَ: أليس فِيهِ: نَهَى عَنْ بَيْعِ الثَّمَرِ حتَّى يَبْدُوَ صَلاحُهُ؟ قالَ: لا. [انظر: ٢٣٨٤]

2191. Narrated Sahl bin Abū Ḥathma: Allāh's Messenger ﷺ forbade the selling of fruits (fresh dates) for dried dates, but allowed the sale of fruits on the *'Arāyā* by estimation and their new owners might eat their dates fresh. Sufyān (in another narration) said, "I told Yaḥyā (a subnarrator) when I was a mere boy, 'Makkahns say that the Prophet ﷺ allowed them the sale of the fruits on *'Arāyā* by estimation.' Yaḥyā asked, 'How do the Makkahns know about it?' I replied, 'They narrated it (from the Prophet ﷺ) through Jābir.' On that, Yaḥyā kept quiet." Sufyān said, "I meant that Jābir belonged to Al-Madīna." Sufyān was asked whether in Jābir's narration there was any prohibition of selling fruits before their benefit is evident (i.e., no dangers of being spoilt or blighted). He replied that there was none.

(٨٤) بابُ تَفْسِيرِ العَرَايا

(84) CHAPTER. The explanation of *'Arāyā*.

وقالَ مالِكٌ: العَرِيَّةُ أَنْ يُعْرِيَ الرَّجُلُ الرَّجُلَ النَّخْلَةَ، ثُمَّ يَتَأَذَّى بِدُخُولِهِ عَلَيْهِ. فَرُخِّصَ لَهُ أَنْ يَشْتَرِيَها مِنْهُ بِتَمْرٍ. وقالَ ابنُ إدْرِيسَ: العَرِيَّةُ لا تَكُونَ إلَّا بالكَيْلِ مِنَ التَّمْرِ يَداً بِيَدٍ، ولَاتَكُونُ بالجِزَافِ. ومِمَّا يُقَوِّيهِ

Mālik said, "*'Arīya* (plural *'Arāyā*) means that a person gives a date-palm (i.e., its product of dates) as a gift to another person, and then the giver is troubled by the latter's coming to the giver's private garden (to cut the dates), so the giver is allowed to purchase those date fruits with dried dates."

Ibn Idrīs said, "The sale of the dates of an *'Arīya* should be for measured dates delivered

قَوْلُ سَهْلِ بنِ أَبِي حَثْمَةَ: بالأَوْسُقِ المُوَسَّقةِ. وقالَ ابنُ إسْحَاقَ في حَدِيثِهِ عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: كَانَتِ العَرَايا أَنْ يُعْرِيَ الرَّجُلُ الرَّجُلَ في مالِهِ النَّخْلَةَ والنَّخْلَتَيْنِ. وقالَ يَزِيدُ عَنْ سُفْيانَ بنِ حُسَيْنٍ: العَرَايا نَخْلٌ كانَتْ تُوهَبُ لِلمَساكِينِ فَلا يَسْتَطِيعُونَ أَنْ يَنْتَظِرُوا بِها، فَرُخِّصَ لَهُمْ أَنْ يَبِيعُوهَا بِما شَاءوا مِنَ التَّمْرِ.

from hand to hand and not to be done at random." The saying of Sahl bin Hathma confirms this verdict, i.e., that the exchange of dates should not be at random but by measure of *Awsūq*. Ibn 'Umar رَضِيَ اللهُ عَنْهُما said, "*Al-'Arāyā* meant to give one or two date palms to someone."

Sufyān bin Ḥusain said, "*Al-'Arāyā* were date-palms given as a gift to the poor who could not wait till the fruits were ripe, so they were allowed to sell them for dates as they wished."

٢١٩٢ - حَدَّثَنَا مُحَمَّدٌ أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا مُوسَى بنُ عُقْبَةَ، عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ، عَنْ زَيْدِ بنِ ثَابِتٍ رَضِيَ اللهُ عَنْهُمْ: أَنَّ رَسُولَ اللهِ ﷺ رَخَّصَ في العَرَايا أَنْ تُبَاعَ بِخَرْصِها كَيْلاً. قالَ مُوسَى بنُ عُقْبَةَ: والعَرَايا نَخَلاتٌ مَعْلُومَاتٌ تَأْتِيها فَتَشْتَرِيهَا. [راجع: ٢١٧٣]

2192. Narrated Ibn 'Umar from Zaid bin Thābit رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ allowed the sale of *'Arāyā* by estimating the dates on them for measured amounts of dried dates.

Mūsa bin 'Uqba said, "*Al-'Arāyā* were distinguished date-palms; one could come and buy them (i.e., their fruits)."

(٨٥) بابُ بَيْعِ الثِّمارِ قَبْلَ أَنْ يَبْدُوَ صَلاحُهَا

(85) CHAPTER. The sale of fruits before their benefit is evident (i.e., they are free from all the dangers of being spoilt or blighted).

٢١٩٣ - وقالَ اللَّيْثُ، عَنْ أَبِي الزِّنَادِ: كانَ عُرْوَةُ بنُ الزُّبَيْرِ يُحَدِّثُ عَنْ سَهْلِ بنِ أَبِي حَثْمَةَ الأَنْصَارِيِّ مِنْ بَنِي حَارِثَةَ أَنَّهُ: حدَّثَهُ عَنْ زَيْدِ بنِ ثابِتٍ رَضِيَ اللهُ عَنْهُ قالَ: كانَ النَّاسُ في عَهْدِ رَسُولِ اللهِ ﷺ يَبْتَاعُونَ الثِّمارَ، فإِذَا جَدَّ النَّاسُ وحَضَرَ

2193. Zaid bin Thābit رَضِيَ اللهُ عَنْهُ said, "In the lifetime of Allāh's Messenger ﷺ, the people used to trade with fruits. When they cut their date-fruits and the purchasers came to receive their rights, the sellers would say, 'My dates have got rotten; they are blighted with disease, they are afflicted with *Qushām* (a disease which causes the fruit to fall before ripening).' They would go on complaining of defects in their purchases. Allāh's Messenger ﷺ said, "Do not sell the fruits before their

benefit is evident (i.e., free from all the dangers of being spoiled or blighted), by way of advice for they quarrelled too much." Khārija bin Zaid bin Thābit said that Zaid bin Thābit رَضِيَ اللهُ عَنْهُ used not to sell the fruits of his land till Pleiades[1] appeared and one could distinguish the yellow fruits from the red (ripe) ones.

تَقاضِيهِمْ، قالَ المُبْتاعُ: إنَّهُ أَصابَ الثَّمَرَ الدُّمانُ، أَصابَهُ مَرَضٌ، أَصابَهُ قُشامٌ، عاهاتٌ يَحْتَجُّونَ بِها. فَقالَ رَسُولُ اللهِ ﷺ لَمَّا كَثُرَتْ عِنْدَهُ الخُصومَةُ في ذٰلِكَ: «فإمَّا لا، فَلا تَتَبايَعُوا حَتَّى يَبْدُوَ صَلاحُ الثَّمَرِ»، كالمَشُورَةِ يُشِيرُ بِها لِكَثْرَةِ خُصُومَتِهِمْ. وأَخْبَرَنِي خارِجَةُ بنُ زَيْدِ بنِ ثابِتٍ: أَنَّ زَيْدَ بنَ ثابِتٍ لَمْ يَكُنْ يَبِيعُ ثِمارَ أَرْضِهِ حَتَّى تَطْلُعَ الثُّرَيَّا، فَيَتَبَيَّنَ الأَصْفَرُ مِنَ الأَحْمَرِ. قالَ أَبو عَبْدِ اللهِ: رَواهُ عَلِيُّ بنُ بَحْرٍ: حَدَّثَنا حَكَّامٌ: حَدَّثَنا عَنْبَسَةُ، عَنْ زَكَرِيَّا، عَنْ أَبي الزِّنادِ، عَنْ عُرْوَةَ، عَنْ سَهْلٍ، عَنْ زَيْدٍ.

2194. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ forbade the sale of fruits till their benefit is evident. He forbade both the seller and the buyer (of such a sale).

٢١٩٤ - **حَدَّثَنا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ بَيْعِ الثِّمارِ حَتَّى يَبْدُوَ صَلاحُها. نَهَى البائِعَ والمُبْتاعَ. [راجع: ١٤٨٦]

2195. Narrated Anas رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ forbade the sale of date-fruits till they were ripe.

Abū 'Abdullāh (Al-Bukhārī) said, "That means till they were red (can be eaten)."

٢١٩٥ - **حَدَّثَنا** ابنُ مُقاتِلٍ: أَخْبَرَنا عَبْدُاللهِ: أَخْبَرَنا حُمَيْدٌ الطَّوِيلُ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى أَنْ تُباعَ ثَمَرَةُ النَّخْلِ حَتَّى تَزْهُوَ.

(1) (Ch. 2193) Pleiades is the collection of stars which start to appear at dawn in the early summer when it gets very hot in Ḥijāz at the early season of the ripening of fruits. The appearance of these stars is a sign of the ripening of dates.

قالَ أبو عَبْدِ اللهِ: يَعْني حتَّى تَحْمَرَّ. [راجع: ١٤٨٨]

2196. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ forbade the sale of (date) fruits till they were red or yellow and fit for eating.

٢١٩٦ - **حَدَّثَنا** مُسَدَّدٌ: حدَّثنا يَحْيَى ابنُ سَعِيدٍ، عَنْ سَلِيمِ بنِ حَيَّانَ: حدَّثنا سَعِيدُ بنُ مِيناءَ قالَ: سَمِعْتُ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: نَهَى النَّبيُّ ﷺ أَنْ تُباعَ الثَّمَرَةُ حتَّى تُشْقِحَ. فَقِيلَ: وما تُشْقِحُ؟ قالَ: تَحْمارُّ وتَصْفارُّ ويُؤْكَلُ مِنْها. [راجع: ١٤٨٧]

(86) CHAPTER. The sale of date-palms (date trees) before their benefit is evident. (i.e., their dates are ripe).

(٨٦) بابُ بَيْعِ النَّخْلِ قَبْلَ أَنْ يَبْدُوَ صَلاحُها.

2197. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade the sale of fruits till their benefit is evident; and the sale of date-palms till the dates are almost ripe. He was asked what 'are almost ripe' meant. He replied, "Got red and yellow."

٢١٩٧ - **حدَّثَني** عَليُّ بنُ الهَيْثَمِ: حدَّثَنا مُعَلًّى: حدَّثنا هُشَيْمٌ: أَخْبَرَنا حُمَيْدٌ: حدَّثَنا أَنَسُ بنُ مالِكٍ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبيِّ ﷺ أَنَّهُ نَهَى عَنْ بَيْعِ الثَّمَرَةِ حتَّى يَبْدُوَ صَلاحُها، وعَنِ النَّخْلِ حتَّى يَزْهُوَ. قِيلَ: وَمَا يَزْهُوَ؟ قالَ: يَحْمَارُّ أَوْ يَصْفَارُّ. [راجع: ١٤٨٨]

(87) CHAPTER. If somebody sells fruits before their benefit is evident and free from blights and then they get afflicted with some defects, they will be given back to the seller.

(٨٧) بابُ إِذَا باعَ الثِّمارَ قَبْلَ أَنْ يَبْدُوَ صَلاحُها ثُمَّ أَصابَتْهُ عاهَةٌ فَهُوَ مِنَ البائِعِ.

2198. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ forbade the sale of fruits till they are almost ripe. He was asked what is meant by 'are almost ripe.' He replied, "Till they become red." Allāh's Messenger ﷺ further said, "If Allāh spoiled the fruits, what right would one have to take the money of one's brother."

٢١٩٨ - **حَدَّثَنا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ حُمَيْدٍ، عَنْ أَنَسِ بنِ مالِكٍ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ بَيْعِ الثِّمارِ حتَّى تُزْهِيَ، فَقِيلَ لَهُ: وما تُزْهِيَ؟ قالَ:

حتَّى تَحْمَرَّ. فَقالَ رَسُولُ اللهِ ﷺ: «أَرَأَيْتَ إِذَا مَنَعَ اللهُ الثَّمَرَةَ، بِمَ يَأْخُذُ أَحَدُكُمْ مالَ أَخِيهِ؟». [راجع: ١٤٨٨]

٢١٩٩ - وقالَ اللَّيْثُ: حدَّثَني يُونُسُ، عَنِ ابنِ شِهابٍ قالَ: لَوْ أَنَّ رَجُلاً ابْتَاعَ ثَمَراً قَبْلَ أَنْ يَبْدُوَ صَلاحُهُ ثُمَّ أَصابَتْهُ عَاهَةٌ كانَ مَا أَصَابَهُ عَلى رَبِّهِ.

أَخْبَرَنِي سالِمُ بنُ عَبْدِ اللهِ عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «لا تَتَبايَعُوا الثَّمَرَةَ حتَّى يَبْدُوَ صَلاحُها، ولا تَبِيعُوا الثَّمَرَ بِالتَّمْرِ». [راجع: ١٤٨٦]

2199. Narrated Ibn Shihāb: If somebody bought fruits before their benefit is evident and then the fruits were spoiled with blights, the loss would be suffered by the owner (not the buyer).

Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Do not sell or buy fruits before their benefit was evident and do not sell fresh fruits (dates) for dried dates."

(٨٨) بابُ شِرَاءِ الطَّعَامِ إِلى أَجَلٍ

(88) CHAPTER. To buy foodstuff on credit.

٢٢٠٠ - حَدَّثَنَا عُمَرُ بنُ حَفْصِ بنِ غِياثٍ: حدَّثَنا أَبِي: حدَّثَنا الأَعْمَشُ، قالَ: ذَكَرْنَا عِنْدَ إِبْرَاهِيمَ الرَّهْنَ في السَّلَفِ فَقالَ: لا بَأْسَ بِهِ. ثُمَّ حدَّثَنا عَنِ الأَسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ النَّبِيَّ ﷺ اشْتَرَى طَعَاماً مِنْ يَهُودِيٍّ إِلى أَجَلٍ فَرَهَنَهُ دِرْعَهُ. [راجع: ٢٠٦٨]

2200. Narrated 'Āishah رَضِيَ اللهُ عَنْها: The Prophet ﷺ bought some foodstuff from a Jew on credit and mortgaged his armour to him.

(٨٩) بابٌ إِذَا أَرَادَ بَيْعَ تَمْرٍ بِتَمْرٍ خَيْرٍ مِنْهُ

(89) CHAPTER. If one wishes to buy (a better quality of) dates for (a low quality of) dates [that is a kind of *Ribā* (usury) and is called *Ribā-Al-Fadl*].

٢٢٠١، ٢٢٠٢ - حَدَّثَنَا قُتَيْبَةُ، عَنْ مالِكٍ، عَنْ عَبْدِ المَجِيدِ بنِ سُهَيْلِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ سَعِيدِ بنِ

2201, 2202. Narrated Abū Sa'īd Al-Khudrī and Abū Hurairah رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ appointed somebody as a governor of Khaibar. That governor brought to him an excellent kind of dates

(from Khaibar). The Prophet ﷺ asked, "Are all the dates of Khaibar like this?" He replied, "By Allāh, no, O Allāh's Messenger! But we barter one *Ṣā'* of this (type of dates) for two *Ṣā* of dates of ours and two *Ṣā'* of it for three of ours." Allāh's Messenger ﷺ said, "Do not do so [as that is a kind of *Ribā* (usury)] but sell the mixed dates (of inferior quality) for money, and then buy good dates with money."

الْمُسَيَّبِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، وعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ اسْتَعْمَلَ رَجُلاً عَلى خَيْبَرَ فَجاءَهُ بِتَمْرٍ جَنِيبٍ فقالَ رَسُولُ اللهِ ﷺ: «أَكُلُّ تَمْرِ خَيْبَرَ هٰكَذا؟» قالَ: لا، واللهِ يا رَسُولَ اللهِ إِنَّا لَنَأْخُذُ الصَّاعَ مِنْ هذا بِالصَّاعَيْنِ والصَّاعَيْنِ بِالثَّلاثَ. فَقالَ رَسُولُ اللهِ ﷺ: «لا تَفْعَلْ، بِعِ الجَمْعَ بِالدَّراهِمِ ثُمَّ ابْتَعْ بِالدَّرَاهِمِ جَنِيباً». [الحديث: ٢٢٠١، انظر: ٢٣٠٢، ٤٢٤٤، ٤٢٤٦، ٧٣٥٠]؛ [الحديث: ٢٢٠٢، انظر: ٢٣٠٣، ٤٢٤٥، ٤٢٤٧، ٧٣٥١]

(90) CHAPTER. Whoever sold or rented date-palms which were pollinated, or land which was sown (with wheat or barley).

(٩٠) بابُ مَنْ بَاعَ نَخْلاً قَدْ أُبِّرَتْ، أَوْ أَرْضاً مَزْروعَةً، أو بِإجارَةٍ

2203. Narrated Nāfi', the freed-slave of Ibn 'Umar: If pollinated date-palms are sold and nothing is mentioned (in the contract) about their fruits, the fruits will go to the person who has pollinated them, and so will be the case with the slave and the cultivator. Nāfi' mentioned those three things.

٢٢٠٣ - قالَ أَبُو عَبْدِ اللهِ: وقالَ لي إِبْرَاهِيمُ: أَخْبَرَنَا هِشَامٌ: أَخْبَرَنا ابنُ جُرَيْجٍ قالَ: سَمِعْتُ ابنَ أَبِي مُلَيْكَةَ: يُخْبِرُ عَنْ نَافِعٍ مَوْلى ابنِ عُمَرَ: أَيُّما نَخْلٍ بِيعَتْ قَدْ أُبِّرَتْ لَمْ يُذْكَرِ الثَّمَرُ، فالثَّمَرُ لِلَّذِي أَبَّرَها. وكَذلِكَ العَبْدُ والحَرْثُ، سَمَّى لَهُ نَافِعٌ هٰؤُلاءِ الثَّلاثَةَ». [انظر: ٢٢٠٤، ٢٢٠٦، ٢٣٧٩، ٢٧١٦]

2204. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "If somebody sells pollinated date-palms, the fruits will be for the seller unless the buyer stipulates that they will be for himself (and the seller agrees)."

٢٢٠٤ - **حدَّثَنا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «مَنْ

بَاعَ نَخْلًا قَدْ أُبِّرَتْ فَثَمَرَتُها لِلبَائِعِ إِلَّا أَنْ يَشْتَرِطَ المُبْتَاعُ». [راجع: ٢٢٠٣]

(91) CHAPTER. The sale of unharvested crops for a measured quantity of foodstuff.

(٩١) بابُ بَيْعِ الزَّرْعِ بالطَّعَامِ كَيْلاً

2205. Narrated Ibn 'Umar رَضِيَ الله عَنْهُما: Allāh's Messenger ﷺ forbade *Al-Muzābana*, i.e., to sell ungathered dates of one's garden for measured dried dates or fresh ungathered grapes for measured dried grapes; or standing crops for measured quantity of foodstuff. He forbade all such bargains.

٢٢٠٥ - **حَدَّثَنَا** قُتَيْبَةُ: حدَّثنا اللَّيْثُ عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: نَهَى رَسُولُ اللهِ ﷺ عَنِ المُزَابَنَةِ، أَنْ يَبِيعَ ثَمَرَ حَائِطِهِ إِنْ كانَ نَخْلاً بِتَمْرٍ كَيْلاً. وإِنْ كانَ كَرْماً أَنْ يَبِيعَهُ بِزَبِيبٍ كَيْلاً، وإِنْ كَانَ زَرْعاً أَنْ يَبِيعَهُ بِكَيْلِ طَعَامٍ. ونَهَى عَنْ ذٰلِكَ كُلِّهِ. [راجع: ٢١٧١]

(92) CHAPTER. The sale of date-palms completely (with roots and stems).

(٩٢) بابُ بَيْعِ النَّخْلِ بأَصْلِهِ

2206. Narrated Ibn 'Umar رَضِيَ الله عَنْهُما: The Prophet ﷺ said, "Whoever pollinates date-palms and then sells them, the fruits will belong to him unless the buyer stipulates that the fruits should belong to him (and the seller agrees)."

٢٢٠٦ - **حَدَّثَنَا** قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا اللَّيْثُ، عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ النَّبِيَّ ﷺ قالَ: «أَيُّمَا امْرِئٍ أَبَّرَ نَخْلاً ثُمَّ بَاعَ أَصْلَها فَلِلَّذِي أَبَّرَ ثَمَرُ النَّخْلِ إِلَّا أَنْ يَشْتَرِطَهُ المُبْتَاعُ». [راجع: ٢٢٠٣]

(93) CHAPTER. ***Bai' Al-Mukhādara*** **(the sale of grains or vegetables before their benefit is evident).**

(٩٣) بابُ بَيْعِ المُخَاضَرَةِ

2207. Narrated Anas bin Mālik رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ forbade *Muhāqala, Mukhādara, Mulamasa, Munābadha* and *Muzābana*. (See glossary and previous *Ahadīth* for the meanings of these terms.)

٢٢٠٧ - **حَدَّثَنَا** إِسْحَاقُ بنُ وَهْبٍ: حدَّثنا عُمَرُ بنُ يُونُس حَدَّثَنَا أَبِي قالَ: حدَّثَني إِسْحَاقُ بنُ أَبِي طَلْحَةَ الأَنْصَارِيُّ، عَنْ أَنَسِ بنِ مالِكٍ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى رَسُولُ اللهِ

ﷺ عَنِ الْمُحَاقَلَةِ والْمُخَاضَرَةِ والْمُلامَسَةِ والْمُنَابَذَةِ والْمُزَابَنَةِ.

٢٢٠٨ - حَدَّثَنَا قُتَيْبَةُ: حدَّثنا إِسْمَاعِيلُ بنُ جَعْفَرٍ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ بَيْعِ ثَمَرِ التَّمْرِ حتَّى يَزْهُوَ، فَقُلْنَا لأنسٍ: مَا زَهْوُهَا؟ قالَ: تَحْمَرُّ وَتَصْفَرُّ. أَرَأَيْتَ إِنْ مَنَعَ اللهُ الثَّمَرَ بِمَ تَسْتَحِلُّ مَالَ أَخِيكَ؟. [راجع: ١٤٨٨]

2208. Narrated Humaid: Anas رَضِيَ اللهُ عَنْهُ said, "The Prophet ﷺ forbade the selling of dates till they were almost ripe." We asked Anas, "What does 'almost ripe' mean?" He replied, "They get red and yellow. The Prophet ﷺ added, 'If Allāh destroyed the fruits present on the trees, what right would the seller have to take the money of his brother (somebody else)'?"

(٩٤) بابُ بَيْعِ الجُمَّارِ وأَكْلِهِ.

(94) CHAPTER. The sale and eating of spadix (edible pith growing at the upper part of the trunk of a palm tree).

٢٢٠٩ - حَدَّثَنَا أَبُو الوَلِيدِ هِشَامُ بنُ عَبْدِ المَلِكِ: حدَّثَنا أَبُو عَوَانَةَ، عَنْ أَبِي بِشْرٍ، عَنْ مُجَاهِدٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما، قالَ: كُنْتُ عِنْدَ النَّبِيِّ ﷺ وهُوَ يَأْكُلُ جُمَّاراً، فَقالَ: «مِنَ الشَّجَرِ شَجَرَةٌ كالرَّجُلِ الْمُؤْمِنِ»، فأَرَدْتُ أَنْ أَقُولَ: هِيَ النَّخْلَةُ، فإِذَا أَنَا أَحْدَثُهُمْ، قالَ: «هِيَ النَّخْلَةُ». [راجع: ٦١]

2209. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما:

I was with the Prophet ﷺ while he was eating spadix. He said, "From the trees there is a tree which resembles a faithful believer." I wanted to say that it was the date palm, but I was the youngest among them (so I kept quiet). He added, "It is the date-palm."

(٩٥) بابُ مَنْ أَجْرَى أَمْرَ الأَمْصَارِ عَلَى مَا يَتَعارَفُونَ بَيْنَهُمْ في البُيُوعِ والإِجَارَةِ، والكَيْلِ والوَزْنِ، وسُنَنِهِمْ عَلَى نِيَّاتِهِمْ ومَذَاهِبِهِمُ المَشْهُورَةِ.

وقالَ شُرَيْحٌ لِلْغَزَّالِينَ: سُنَّتُكُمْ بَيْنَكُمْ وقالَ عَبْدُ الوَهَّابِ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ: لا بَأْسَ العَشَرَةُ بأَحَدَ عَشَرَ، ويأْخُذُ لِلنَّفَقَةِ رِبْحاً.

(95) CHAPTER. In cases where there is no fixed judgement, the traditions and conventions of each community are to be referred to, to deduce a judgement in such matters as sales, renting, measuring and weighing.

Shuraih told the weavers, "You are permitted to follow your own conventions to solve your problems (it is legal for you to stick to your traditions in bargain)."

Narrated 'Abdul Wahāb: Ayyūb said he heard from Muhammad who said, "There is

no harm in selling for eleven what you buy for ten, and you are allowed to take a profit for expenses."

The Prophet ﷺ told Hind, "Take what is reasonable and sufficient for you and your sons." Allāh تعالى says: "Whoever is poor, can eat (from the orphan's property) what is just and reasonable (according to his labours)." (V.4:6).

Al-Ḥasan hired a donkey from 'Abdullāh bin Mirdās and asked him about the hire. The latter replied that it was for two *Danīq* (a *Danīq* equals 1/6th Dirham). So Al-Ḥasan rode away. Another time, Al-Ḥasan came to 'Abdullāh bin Mirdās and asked him to hire the donkey to him and rode away without asking him about the hire, but he sent him half a Dirham.[1]

وقالَ النَّبِيُّ ﷺ لِهِنْدٍ: «خُذِي مَا يَكْفِيكِ ووَلَدَكِ بالمَعْرُوفِ». وقالَ تعالى: ﴿وَمَن كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ﴾ [النساء: ٦] واكْتَرَى الحَسَنُ مِنْ عَبْدِ اللهِ بنِ مِرْدَاسٍ حِمَاراً فَقالَ: بِكَمْ؟ قالَ: بِدَانِقَيْنِ، فَرَكِبَهُ ثُمَّ جاءَ مَرَّةً أُخْرَى فَقالَ: الحِمَارَ الحِمَارَ، فَرَكِبَهُ ولَمْ يُشارِطْهُ. فَبَعَثَ إلَيْهِ بِنِصْفِ دِرْهَمٍ.

2210. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Abū Ṭaiba cupped Allāh's Messenger ﷺ and so Allāh's Messenger ﷺ ordered that a *Ṣā'* of dates be paid to him and ordered his masters (for he was a slave) to reduce his tax.[2]

٢٢١٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أنَسِ بنِ مالِكٍ رَضِيَ اللهُ عَنْهُ قالَ: حَجَمَ رَسُولَ اللهِ ﷺ أبُو طَيْبَةَ فأمَرَ لَهُ رَسُولُ اللهِ ﷺ بِصَاعٍ مِنْ تَمْرٍ، وأمَرَ أهْلَهُ أنْ يُخَفِّفُوا عَنْهُ مِنْ خَراجِهِ. [راجع: ٢١٠٢]

2211. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Hind, the mother of Mu'āwiya said to Allāh's Messenger ﷺ, "Abū Sufyān (her husband) is a miser. Am I allowed to take from his money secretly?" The Prophet ﷺ said to her, "You and your sons may take what is sufficient, just and reasonable."

٢٢١١ - حَدَّثَنَا أبُو نُعَيْمٍ: حدَّثَنا سُفْيانُ. عَنْ هِشَامٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْها: قالَتْ هِنْدٌ أُمُّ مُعَاوِيَةَ لِرَسُولِ اللهِ ﷺ: إنَّ أبَا سُفْيانَ رَجُلٌ شَحِيحٌ، فَهَلْ عَلَيَّ جُناحٌ أنْ آخُذَ مِنْ مَالِهِ سِرًّا؟ قالَ: «خُذِي أنْتِ

(1) (Ch. 95) Al-Ḥasan did not ask about the hire the second time depending on what they had agreed upon the first time. He sent 'Abdullāh more than what was due out of generosity.

(2) (H. 2210) Slaves had to pay their masters certain taxes.

وبَنُوكِ ما يَكْفِيكِ بالمَعْرُوفِ». [انظر: ٢٤٦٠، ٣٨٢٥، ٥٣٥٩، ٥٣٦٤، ٥٣٧٠، ٦٦٤١، ٧١٦١، ٧١٨٠]

2212. Narrated 'Urwa: I heard 'Āishah saying, "The Holy Verse: '...Whoever amongst guardians is rich, he should take no wages but if he is poor, let him have for himself what is just and resonable (according to his labour)' (V.4 : 6), was revealed concerning the guardian of the orphans who looks after them and manages favourably their financial affairs; if the guardian is poor, he could have from it what is just and reasonable (according to his labour)."

٢٢١٢ - حدَّثني إِسْحَاقُ: حدَّثَنا ابنُ نُمَيْرٍ: أَخْبَرَنا هِشَامٌ ح. **وحدَّثني** مُحَمَّدُ بنُ سَلَامٍ قالَ: سَمِعْتُ عُثْمانَ بنَ فَرْقَدٍ قالَ: سَمِعْتُ هِشَامَ بنَ عُرْوَةَ يُحَدِّثُ عَنْ أَبِيهِ: أَنَّهُ سَمِعَ عَائِشَةَ رَضِيَ اللهُ عَنها تَقُولُ ﴿وَمَن كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَن كَانَ فَقِيرًا فَلْيَأْكُلْ بِٱلْمَعْرُوفِ﴾ [النساء: ٦]: أُنْزِلَتْ في وَالي اليَتِيمِ الَّذي يُقِيمُ عَلَيْهِ ويُصْلِحُ فِي مالِهِ، إنْ كانَ فَقِيراً أَكَلَ مِنْهُ بالمَعْرُوفِ». [انظر: ٢٧٦٥، ٤٥٧٥]

(96) CHAPTER. Selling of a joint property by one partner to the other.

(٩٦) بابُ بَيْعِ الشَّرِيكِ مِنْ شَرِيكِهِ.

2213. Narrated Jābir رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ gave pre-emption (to the partner) in every joint property, but if the boundaries of the property were demarcated or the ways and streets were fixed, then there was no pre-emption.

٢٢١٣ - حدَّثني مَحْمُودٌ: حدَّثَنا عَبْدُ الرَّزَّاقِ: أَخبرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ أَبي سَلَمَةَ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: جَعَلَ رَسُولُ اللهِ ﷺ الشُّفْعَةَ في كُلِّ مالٍ لَمْ يُقْسَمْ، فإِذَا وقَعَتِ الحدُودُ وصُرِّفَتِ الطُّرُقُ فَلا شُفْعَةَ. [انظر: ٢٢١٤، ٢٢٥٧، ٢٤٩٥، ٢٤٩٦، ٦٩٧٦]

(97) CHAPTER. The sale of undivided common land, buildings and belongings.

(٩٧) بابُ بَيْعِ الأَرضِ والدُّورِ والعُرُوضِ مُشاعاً غَيرَ مَقْسُومٍ.

2214. Narrated Jābir bin 'Abbullāh رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ decided the validity of pre-emption in every joint

٢٢١٤ - حَدَّثَنا مُحَمَّدُ بنُ مَحْبوبٍ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا

مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: قَضَى النَّبِيُّ ﷺ بالشُّفْعَةِ في كُلِّ مالٍ لَمْ يُقْسَمْ. فإذا وقَعَتِ الحُدُودُ، وصُرِّفَتِ الطُّرُقُ فَلا شُفْعَةَ.

حَدَّثَنا مُسَدَّدٌ: حدَّثَنا عَبْدُ الوَاحِدِ بِهٰذا. وقالَ: في كُلِّ ما لَمْ يُقْسَمْ. تابَعَهُ هِشامٌ، عَنْ مَعْمَرٍ. قالَ عَبْدُ الرَّزَّاقِ: في كُلِّ مالٍ، رَواهُ عَبْدُ الرَّحْمٰنِ بنُ إسحَاقَ عَنِ الزُّهْرِيِّ.

[راجع: ٢٢١٣]

undivided property, but if the boundaries were well marked or the ways and streets were fixed, then there was no pre-emption.

Narrated 'Abdul Wāḥid the same as above but said, "...in every joint undivided thing..."

Narrated Hishām from Ma'mar the same as above but said, "...in every property..."

(٩٨) **بابٌ إذَا اشْتَرَى شَيئاً لِغَيْرِه بغَيرِ إذْنِهِ فَرَضِيَ.**

(98) CHAPTER. If somebody buys something for another without his permission and the latter accepts it.

٢٢١٥ - حَدَّثَنَا يَعْقوبُ بنُ إبْرَاهِيمَ: حدَّثَنا أَبُو عاصِمٍ: أَخبرنَا ابنُ جُرَيْجٍ قالَ: أَخْبرنِي مُوسَى بنُ عُقْبَةَ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبِيِّ ﷺ قالَ: «خَرَجَ ثَلاثَةُ نَفَرٍ يَمْشُونَ فَأَصَابَهُمُ المَطَرُ فَدَخَلُوا في غارٍ في جَبَلٍ فانْحَطَّتْ عَلَيهِمْ صَخْرَةٌ. قالَ: فَقالَ بَعْضُهُمْ لِبَعْضٍ: ادْعُوا اللهَ بأَفْضَلِ عَمَلٍ عَمِلْتُمُوه. فَقالَ أَحَدُهُم: اللَّهُمَّ إنِّي كانَ لي أَبَوانِ شَيْخانِ كَبِيرَانِ فَكُنْتُ أَخْرُجُ فأَرْعَى، ثُمَّ أَجِيءُ فأَحْلُبُ فأَجِيءُ بالحِلابِ فآتِي به أَبَوَيَّ فَيَشْرَبانِ. ثُمَّ أَسْقِي الصِّبْيَةَ

2215. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: the Prophet ﷺ said, "While three persons were walking, rain began to fall and they had to enter a cave in a mountain. A big rock rolled over and blocked the mouth of the cave. They said to each other, 'Invoke Allāh with the best deed you have performed (so that Allāh might remove the rock)'. One of them said, 'O Allāh! My parents were old and I used to go out for to graze (my animals). On my return I would milk (the animals) and take the milk in a vessel to my parents to drink. After they had drunk from it, I would give it to my children, family and wife. One day I was delayed and on my return I found my parents sleeping, and I disliked to wake them up. The childern were crying at my feet (because of hunger). That state of affairs continued till it was dawn. O Allāh! If You regard that I did it only for Your sake, then please remove this rock so that we may

see the sky.' So, the rock was moved a bit. The second said, 'O Allāh! You know that I was in love with a cousin of mine, like the deepest love a man may have for a woman, and she told me that I would not get my desire fulfilled unless I paid her one hundred Dīnār (gold pieces). So, I struggled for it till I gathered the desired amount, and when I sat in between her legs, she told me to be afraid of Allāh, and asked me not to deflower her except rightfully (by marriage). So, I got up and left her. O Allāh! If You regard that I did it only for Your sake, kindly remove this rock.' So, two-thirds of the rock was removed. Then the third man said, 'O Allāh! No doubt You know that once I employed a worker for one *Faraq* (three *Ṣā'*) of millet, and when I wanted to pay him, he refused to take it, so I sowed it and from its yield I bought cows and a shepherd. After a time that man came and demanded his money. I said to him: Go to those cows and the shepherd and take them for they are for you. He asked me whether I was joking with him. I told him that I was not joking with him, and all that belonged to him. O Allāh! If You regard that I did it only for Your sake, then please remove the rock.' So, the rock was removed completely from the mouth of the cave."[See Vol 4. *Ḥadīth* No.3465.]

وأَهْلِي وامْرَأتي. فاحْتَبَسْتُ لَيْلَةً فَجِئْتُ فإِذَا هُما نائِمانِ، قالَ: فَكَرِهْتُ أَنْ أُوْقِظَهُما، والصِّبْيَةُ يَتَضاغَوْنَ عِنْدَ رِجْلَيَّ. فَلَمْ يَزَلْ ذٰلِكَ دَأْبِي ودَأْبَهُمَا حَتّى طَلَعَ الفَجْرُ. اللَّهُمَّ إنْ كُنْتَ تَعْلَمُ أَنِّي فَعَلْتُ ذٰلِكَ ابْتِغاءَ وجْهِكَ فَافْرُج عَنَّا فُرْجَةً نَرَى مِنْها السَّماءَ. قالَ: فَفُرِجَ عَنْهُمْ. وقالَ الآخَرُ: اللَّهُمَّ إنْ كُنْتَ تَعْلَمُ أَنِّي كُنْتُ أُحِبُّ امْرَأَةً مِنْ بَناتِ عَمِّي كأَشَدِّ ما يُحِبُّ الرَّجُلُ النِّساءَ. فَقالَتْ: لا تَنالُ ذلِكَ مِنْها حَتَّى تُعْطِيَها مائَةَ دِينارٍ، فَسَعَيْتُ فِيهَا حَتَّى جَمَعْتُها فَلَمَّا قَعَدْتُ بَيْنَ رِجْلَيها قالَت: اتَّقِ اللهَ ولا تَفُضَّ الخاتَمَ إلَّا بِحَقِّهِ. فَقُمْتُ وتَرَكْتُها. فإنْ كُنْتَ تَعْلَمُ أَنِّي فَعَلْتُ ذٰلِكَ ابْتِغاءَ وَجْهِكَ فافْرُجْ عَنَّا فُرْجَةً، قالَ: فَفَرَجَ عَنْهُمُ الثُّلُثَيْنِ. وَقالَ الآخَرُ: اللَّهُمَّ إنْ كُنْتَ تَعْلَمُ أَنِّي اسْتَأْجَرْتُ أَجِيراً بِفَرَقٍ مِنْ ذُرَةٍ فأَعْطَيْتُهُ وأَبي ذَلك أَنْ يأْخُذَ، فَعَمَدْتُ إلى ذلك الفَرَقِ فَزَرَعْتُهُ حَتَّى اشْتَرَيْتُ مِنْهُ بَقَراً وراعِيها. ثُمَّ جاءَ فَقالَ: يا عَبْدَ الله، أَعْطِني حقِّي. فَقُلْتُ: انْطَلِقْ إلى تِلْكَ البَقَرِ رَاعِيهَا فإنَّها لَكَ. فَقالَ: اتَسْتَهْزِئُ بِي؟ قالَ: فَقُلْتُ: مَا أَسْتَهْزِئُ بِكَ ولكنَّها لَكَ، اللَّهُمَّ إنْ كُنْتَ تَعْلَمُ أَنِّي فَعَلْتُ

ذلكَ ابْتِغاءَ وَجْهِكَ فَافْرُجْ عَنَّا، فَكُشِفَ عَنْهُمْ». [انظر: ٢٢٧٢، ٢٣٣٣، ٣٤٦٥، ٥٩٧٤]

(99) CHAPTER. Buying and selling with *Mushrikun* (pagans) and with the enemy at war.

2216. Narrated 'Abdur-Rahmān bin Abū Bakr رَضِيَ اللهُ عَنْهُما: We were with the Prophet ﷺ when a tall *Mushrik* with long matted unkempt hair came driving his sheep. The Prophet ﷺ asked him, "Are those sheep for sale or for gifts?" The *Mushrik* replied, "They are for sale." The Prophet ﷺ bought one sheep from him.

(٩٩) بابُ الشِّراءِ والبَيْعِ مَعَ المُشْرِكِينَ وأَهْلِ الحَرْبِ

٢٢١٦ - حدَّثَنا أَبُو النُّعْمانِ: حدَّثَنا مُعْتَمِرُ بنُ سُلَيمانَ، عَنْ أَبِيهِ، عَنْ أَبِي عُثْمانَ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ أَبِي بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَ: كُنَّا مَعَ النَّبِيِّ ﷺ ثُمَّ جاءَ رَجُلٌ مُشْرِكٌ مُشْعانٌّ طَوِيلٌ بِغَنَمٍ يَسُوقُها. فَقالَ النَّبِيُّ ﷺ: «بَيعاً أَمْ عَطِيَّةً؟» أَو قالَ: «أَمْ هِبَةً؟» قالَ: لا، بَلْ بَيْعٌ، فاشْتَرى مِنْهُ شاةً. [انظر: ٢٦١٨، ٥٣٨٢]

(100) CHAPTER. The purchase of a slave from the enemy at war and giving him (to somebody) as a gift and manumitting him.

The Prophet ﷺ asked Salmān to make a contract of his manumission with his masters. In reality Salmān was a free man but the *Mushrikun* oppressed him and sold him.

'Ammār, Ṣuhaib and Bilāl were taken as captives in (war) booty.

Allāh تعالى said:

"And Allāh has preferred some of you above others in wealth and properties. Then, those who are preferred will by no means hand over their wealth and properties to those (slaves) whom their right hand possess, so that they may be equal with them in respect thereof.[1] Do they then deny the Favour of Allāh?" (V.16:71)

(١٠٠) بابُ شِراءِ المَمْلُوكِ مِنَ الحَرْبِيِّ وهِبَتِهِ وعِتْقِهِ

وقالَ النَّبِيُّ ﷺ لِسَلْمانَ: كاتِبْ، وكانَ حُرًّا فَظَلَمُوهُ وباعُوهُ. وسُبِيَ عَمَّارٌ وصُهَيْبٌ وبِلالٌ. وقالَ اللهُ تعالى: ﴿وَٱللَّهُ فَضَّلَ بَعْضَكُمْ عَلَىٰ بَعْضٍ فِي ٱلرِّزْقِ فَمَا ٱلَّذِينَ فُضِّلُوا۟ بِرَآدِّى رِزْقِهِمْ عَلَىٰ مَا مَلَكَتْ أَيْمَٰنُهُمْ فَهُمْ فِيهِ سَوَآءٌ أَفَبِنِعْمَةِ ٱللَّهِ يَجْحَدُونَ ﴿٧١﴾﴾ [النحل: ٧١].

(1) (Ch. 100) This example Allāh has set forth for the (pagans, etc.) who associate false deities with Allāh that they would not agree to share their wealth with their slaves, then how they agree to share false deities with Allāh in His worship.

2217. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "The Prophet Ibrahim (Abraham) عليه السلام emigrated with Sārah and entered a village where there was a king from amongst the kings, or a tyrant from amongst the tyrants. (The king) was told that Ibrāhīm (Abraham) had entered (the village) accompanied by a woman who was one of the most charming woman. So, the king sent for Ibrāhīm and asked, 'O Ibrāhīm (Abraham)! Who is this lady accompanying you?' Ibrāhīm replied, 'She is my sister (i.e., in religion).' Then Ibrāhīm (Abraham) returned to her and said, 'Do not contradict my statement, for I have informed them that you are my sister. By Allāh, there are no true believers on the earth except you and I.' Then Ibrāhīm (Abraham) sent her to the king. When the king got to her, she got up and performed ablution, offered *Ṣalāt* (prayer) and said, 'O Allāh! If I have believed in You and Your Messenger, and have saved my private parts from everybody except my husband, then please do not let this disbeliever overpower me.' On that the king fell in a state of unconsiousness (or had an epileptic fit) and started moving his legs. On seeing the condition of the king, Sārah said, 'O Allāh! If he should die, the people will say that I have killed him.' The king regained his power, and proceeded towards her but she got up again and performed ablution, offered *Ṣalāt* (prayer) and said, 'O Allāh! If I have believed in You and Your Messenger and have kept my private parts safe from all except my husband, then please do not let this disbeliever overpower me.' The king again fell in a state of unconsciousness (or had an epileptic fit) and started moving his legs. On seeing that state of the king, Sārah said, 'O Allāh! If he should die, the people will say that I have killed him.' The king got

٢٢١٧ - حَدَّثَنَا أَبُو اليَمانِ: أَخْبرنَا شُعَيْبٌ: حدَّثَنا أَبُو الزِّنادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ ﷺ: «هاجَرَ إِبْراهِيمُ عَلَيْهِ السَّلامُ بِسارَةَ فَدَخَلَ بِها قَرْيَةً فِيها مَلِكٌ منَ المُلُوكِ، أَو جَبَّارٌ منَ الجَبابِرَةِ. فَقِيلَ: دَخَلَ إِبْرَاهِيمُ بامْرَأَةٍ هِيَ مِنْ أَحْسَنِ النِّساءِ. فأَرْسَلَ إِلَيهِ: أَنْ يا إِبْرَاهِيمُ، مَنْ هٰذِهِ الَّتِي مَعكَ؟ قالَ: أُخْتِي، ثُمَّ رَجَعَ إِلَيها فَقالَ: لا تُكَذِّبِي حَدِيثِي، فَإِنِّي أَخْبَرْتُهُمْ أَنَّكِ أُخْتِي، واللهِ إِنْ عَلى الأَرْضِ مِنْ مُؤمِنٍ غَيرِي وغَيرُكِ. فَأَرْسَلَ بها إِلَيهِ فَقامَ إِلَيها فَقامَتْ تَوضَّأُ وتُصَلِّي، فَقالَت: اللَّهُمَّ إِنْ كُنْتُ آمَنْتُ بِكَ وبِرَسولكَ وأَحْصَنْتُ فَرْجِي إِلَّا على زَوْجِي فَلا تُسَلِّطْ عليَّ الكافِرَ. فَغُطَّ حتَّى ركَضَ بِرِجْلِهِ»، قالَ الأَعْرَجُ قالَ: أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمٰنِ: إِنَّ أَبا هُرَيْرَةَ قالَ: «قالَتْ: اللَّهُمَّ إِنْ يَمُتْ يُقالُ: هِيَ قَتَلَتْهُ. فأُرْسِلَ ثُمَّ قامَ إِلَيها فَقامَتْ تَوَضَّأُ وتُصَلِّي وتَقولُ: اللَّهُمَّ إِنْ كُنْتُ آمَنْتُ بِكَ وبِرَسُولِكَ وأَحْصَنْتُ فَرْجي إِلَّا عَلى زَوْجِي فلا تُسَلِّطْ عَلَيَّ هذا الكافِرَ. فَغُطَّ حتَّى رَكَضَ بِرِجْلِهِ». قالَ عبدُ الرَّحمن: قَالَ أَبو سَلَمةَ قالَ أَبُو هُرَيْرَةَ: «فَقالَت: اللَّهُمَّ إِنْ يَمُتْ

either two or three attacks, and after recovering from the last attack he said, 'By Allāh! You have sent a Satan to me. Take her to Ibrāhīm (Abraham) عليه السلام and give her Ājar (Hagar)'. So she came back to Ibrāhīm (Abraham) and said, 'Allāh humiliated the disbeliever and gave us a slave-girl for service'."(1)

فَيُقالُ: هِيَ قَتَلَتْهُ. فأُرْسِلَ في الثَّانِيَةِ أَوْ في الثَّالِثَةِ، فقالَ: واللهِ ما أَرْسَلْتُم إلَيَّ إلَّا شَيطاناً، أرْجِعوها إلى إبْراهِيمَ عَلَيْه السَّلامُ وأَعْطُوها آجَر. فَرَجَعَتْ إلى إبْراهِيمَ عَلَيْهِ السَّلامُ، فقالَتْ: أَشَعرْتَ أَنَّ اللهَ كَبَتَ الكافِرَ وأَخْدَمَ ولِيدَةً؟». [انظر: ٢٦٣٥، ٣٣٥٧، ٣٣٥٨، ٥٠٨٤، ٦٩٥٠]

2218. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Sa'd bin Abī Waqqāṣ and 'Abd bin Zam'a quarrelled over a boy. Sa'd said, "O Allāh's Messenger! This boy is the son of my brother ('Utba bin Abī Waqqās) who took a promise from me that I would take him as he was his (illegal) son. Look at him and see whom he resembles." 'Abd bin Zam'a said, "O Allāh's Messenger! This is my brother and was born on my father's bed from his slave-girl." Allāh's Messenger ﷺ cast a look at the boy and found definite resemblance to 'Utba and then said, "The boy is for you, O'Abd bin Zam'a. The child goes to the owner of the bed (on which he was born), and the adulterer gets nothing but the stones (despair, i.e., to be stoned to death). Then the Prophet ﷺ said, "O Sauda bint Zam'a! Screen yourself from this boy." So, Sauda never saw him again.

٢٢١٨ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ، عَنْ عائشَةَ رَضِيَ اللهُ عَنْها أنَّها قالت: اخْتَصَمَ سَعْدُ ابنُ أَبي وقَّاصٍ وعَبْدُ بن زَمْعَةَ في غُلامٍ، فقالَ سَعْدٌ: هذَا يا رَسُولَ اللهِ ابنُ أَخِي عُتْبَةَ بنِ أَبي وقَّاصٍ عَهِدَ إليَّ أنَّهُ ابْنُهُ، انظُر إلى شَبهِه. وقالَ عَبْدُ بنُ زَمْعَةَ: هذَا أَخِي يا رَسُولَ اللهِ، وُلِدَ عَلى فِرَاشِ أَبي مِنْ وَلِيْدَتِهِ. فَنَظَرَ رَسُولُ اللهِ ﷺ إلى شَبَهِه فَرَأى شَبَهاً بَيِّناً بِعُتْبَةَ فَقالَ: «هُوَ لَكَ يا عَبْدُ، الوَلَدُ لِلفِرَاشِ ولِلعاهِرِ الحَجَرُ. واحْتَجِبي مِنْهُ يَا سَوْدَةُ بِنْتَ زَمْعَةَ»، فَلَمْ تَرَهُ سَوْدَةُ قَطُّ.

2219. Narrated Sa'd that his father said: 'Abdur-Raḥmān bin 'Aūf said to Ṣuhaib, "Fear Allāh and do not ascribe yourself to somebody other than your father." Ṣuhaib replied, "I would not like to say it even if I were given large amounts of money, but I say

٢٢١٩ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا غُنْدَرٌ: حدَّثَنا شُعْبَةُ، عَنْ سَعْدٍ عَنْ أَبِيهِ: قالَ عَبْدُ الرَّحْمٰنِ بنُ عَوفٍ رَضِيَ اللهُ عَنْهُ لِصُهَيْبٍ: اتَّقِ اللهَ ولا

(1) (H. 2217) Ibrāhīm (Abraham) عليه السلام accepted the gift from the infidel.

I was kidnapped in my childhood."

تَدَّعِ إلى غَيْرِ أبِيكَ. فَقالَ صُهَيْبٌ: مَا يَسُرُّنِي أن لِي كَذا وكَذا وأنِّي قُلْتُ ذلكَ. ولكِنِّي سُرِقْتُ وأنَا صَبِيٌّ.

2220. Narrated 'Urwa bin Az-Zubair: Ḥakīm bin Ḥizām said, "O Allāh's Messenger! I used to do good deeds in the Pre-Islāmic Period of Ignorance, such as keeping good relations with my kith and kin, manumitting slaves and giving alms. Shall I receive a reward for all that?" Allāh's Messenger ﷺ replied, "You embraced Islām with all the good deeds which you did in the past."

٢٢٢٠ - حَدَّثَنَا أَبُو اليمانِ: أخبرَنَا شُعَيْبٌ، عَنِ الزُّهْرِي قالَ: أخبرَنِي عُرْوَةُ ابنُ الزُّبَيرِ: أنَّ حَكِيمَ بنَ حِزَامٍ أخْبَرَهُ أنَّهُ قالَ: يا رَسُولَ اللهِ، أرأيْتَ أُمُوراً كُنْتُ أتَحَنَّثُ أو أتَحَنَّثُ بِها في الجاهِلِيَّةِ مِنْ صِلَةٍ وعَتاقَةٍ وصَدَقَةٍ، هَلْ لِي فِيهَا أجْرٌ؟ قالَ حَكِيمٌ رَضِيَ اللهُ عَنْهُ: قالَ رَسُولُ اللهِ ﷺ: «أسْلَمْتَ عَلى مَا سَلَفَ لكَ من خَيْرٍ». [راجع: ١٤٣٦]

(101) CHAPTER. The hides of dead animals before tanning.

(١٠١) بابُ جُلودِ المَيْتَةِ قَبْلَ أنْ تُدْبَغَ.

2221. Narrated 'Abdullāh bin 'Abbās رَضِيَ اللهُ عَنْهُما:

Once Allāh's Messenger ﷺ passed by a dead sheep and said to the people, "Wouldn't you benefit by its skin?"

The people replied that it was dead.

The Prophet ﷺ said, "But its eating only is illegal."

٢٢٢١ - حَدَّثَنَا زُهَيْرُ بنُ حَرْبٍ: حدَّثَنا يَعْقُوبُ بْنُ إبراهِيمَ: حدَّثَنا أبِي، عَنْ صالِحٍ قالَ: حدَّثَنِي ابنُ شِهابٍ أنَّ عُبَيْدَ اللهِ بنَ عَبْدِ اللهِ أخبرَهُ أنَّ عَبْدَ اللهِ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما أخْبَرَهُ: أنَّ رَسُولَ اللهِ ﷺ مَرَّ بِشاةٍ مَيِّتَةٍ فَقالَ: «هَلَّا اسْتَمْتَعْتُمْ بإهابِها؟» قالُوا: إنَّها مَيِّتَةٌ، قالَ: «إنَّما حَرُمَ أكْلُهَا». [راجع: ١٤٩٢]

(102) CHAPTER. The killing of pigs.

(١٠٢) بابُ قَتْلِ الخِنْزِيرِ.

And Jābir said, "The Prophet ﷺ made the sale of pigs illegal."

وقالَ جابِرٌ: حَرَّمَ النَّبِيُّ ﷺ بَيْعَ الخِنْزِيرِ.

2222. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "By Him (Allāh)

٢٢٢٢ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ:

in Whose Hands my soul is, surely the son of Maryam (Mary) 'Iesa (Jesus)[1] will shortly descend amongst you people (Muslims) and will judge mankind justly by the Law of the Qur'ān (as a just ruler) and will break the cross and kill the pigs and abolish the *Jizya* (a tax taken from the non-Muslims, who are under the protection of the Muslim government. This *Jizya* tax will not be accepted by 'Iesa [(Jesus) عليه السلام]. Then there will be abundance of money and nobody will accept charitable gifts. [See *Fath Al-Bārī*, for details].

حدَّثَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنِ ابنِ المُسَيَّبِ: أَنَّه سَمعَ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «والَّذي نَفْسِي بِيَدِهِ لَيُوشِكَنَّ أَنْ يَنْزِلَ فِيكُمُ ابنُ مَرْيَمَ حَكَماً مُقْسِطاً فَيَكْسِرَ الصَّلِيبَ، ويَقْتُلَ الخنزيرَ، ويَضَعَ الجِزْيَةَ، ويَفِيضَ المَالُ حَتَّى لا يَقْبَلَهُ أَحَدٌ». [انظر: ٢٤٧٦، ٣٤٤٨، ٣٤٤٩]

(103) CHAPTER. The fat of the dead animal should not be melted, nor should it be sold.

(١٠٣) بابٌ لا يُذابُ شَحْمُ المَيْتَةِ ولا يُباعُ وَدَكُهُ.

Jābir narrated this from the Prophet ﷺ.

رَوَاهُ جابِرٌ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ.

2223. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: Once 'Umar was informed that a certain man has sold an alcoholic drink. 'Umar said, "May Allāh curse him! Doesn't he know that Allāh's Messenger ﷺ said, 'May Allāh curse the Jews, for Allāh had forbidden them to eat the fat of animals but they melted it and sold it'."[2]

٢٢٢٣ - حَدَّثَنا الحُمَيْدِيُّ: حدَّثَنا سُفْيانُ: حدَّثَنا عَمْرُو بنُ دِينارٍ، قالَ: أَخْبَرَني طاوُسٌ: أَنَّهُ سمعَ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: بَلَغَ عُمَرَ أَنَّ فُلاناً باعَ خَمْراً، فَقالَ: قاتَلَ اللهُ فُلاناً، أَلَمْ يَعْلَمْ أَنَّ رَسُولَ اللهِ ﷺ قالَ: «قاتَلَ اللهُ اليَهُودَ. حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ فَجَمَلُوها فباعُوها». [انظر: ٣٤٦٠]

2224. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "May Allāh curse the jews, because Allāh made fat illegal for

٢٢٢٤ - حَدَّثَنا عَبْدانُ: أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا يُونُسُ، عَنِ ابنِ

(1) (H.2222) 'Iesa (Jesus), the son of Maryam (Mary) عليه السلام will descend as a leader of the Muslims, and it is a severe warning to the Christians who claim to be the followers of 'Iesa (Jesus) and he will break the cross and kill the pigs, and he (عليه السلام) will abolish the *Jizya* tax and all mankind will be required to embrace Islam with no other alternative.

(2) (H. 2223) This indicates that it is not permissible to sell a thing which is illegal to eat.

شِهابٍ: سَمِعْتُ سَعِيدَ بنَ المُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «قاتَلَ اللهُ يَهُوداً. حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ فَباعُوها وأَكَلُوا أَثْمانَها».

قالَ أَبُو عَبْدِ اللهِ: قاتَلَهُمُ اللهُ: لَعَنَهُمْ. ﴿قُتِلَ﴾: لُعِنَ ﴿ٱلْخَرَّٰصُونَ﴾: الكذّابُون.

them but they sold it and ate its price."

(١٠٤) بابُ بَيْعِ التَّصاوِيرِ الَّتي لَيْسَ فِيها رُوحٌ، ومَا يُكْرَهُ منْ ذٰلكَ.

(104) CHAPTER. The selling of the pictures of inanimated objects having no souls and what is hated from that.

٢٢٢٥ - حَدَّثَنا عَبْدُ اللهِ بنُ عَبْدِ الوَهَّابِ: حدَّثَنا يَزِيدُ بنُ زُرَيْعٍ: أَخْبرنَا عَوْفٌ عَنْ سَعيدِ بنِ أَبِي الحَسَنِ قالَ: كُنْتُ عِنْدَ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما إذ أَتاهُ رَجُلٌ فَقالَ: يا أَبا عَبَّاسٍ، إِنِّي إِنْسانٌ إِنَّما مَعِيشَتي مِنْ صَنْعَةِ يَدِي، وإِنِّي أَصنَعُ هذِهِ التَّصاوِيرَ، فَقالَ ابنُ عَبَّاسٍ: لا أُحَدِّثُكَ إِلَّا ما سَمِعْتُ مِنْ رَسُولِ اللهِ ﷺ، سَمِعْتُهُ يَقُولُ: «مَنْ صَوَّرَ صُورَةً فإِنَّ اللهَ مُعَذِّبُهُ حتَّى يَنْفُخَ فِيها الرُّوحَ ولَيْسَ بِنافِخٍ فِيها أَبَداً». فَرَبَا الرَّجُلُ رَبْوَةً شَدِيدَةً واصْفَرَّ وَجْهُهُ فَقالَ: ويحَكَ إِنْ أَبَيْتَ إِلَّا أَنْ تَصْنَعَ فَعَلَيْكَ بِهٰذا الشَّجَرِ، كُلِّ شَيْءٍ لَيْسَ فِيهِ رُوحٌ. قالَ أَبُو عَبْدِ اللهِ: سَمِعَ سَعِيدُ بنُ أَبِي عَرُوبَةَ مِنَ النَّضْرِ بنِ أَنَسٍ هذَا الوَاحِدَ. [انظر: ٥٩٦٣، ٧٠٤٢]

2225. Narrated Sa'īd bin Abū Al-Ḥasan: While I was with Ibn 'Abbās رَضِيَ اللهُ عَنْهُما, a man came and said, "O father of 'Abbās! I am a human being and my sustenance is from my manual profession and I make these pictures." Ibn 'Abbās said, "I will tell you only what I heard from Allāh's Messenger ﷺ. I heard him saying, 'Whoever makes a picture will be punished by Allāh till he puts soul (life) in it, and he will never be able to put soul (life) in it.'" Hearing this, that man heaved a sigh and his face turned pale. Ibn 'Abbās said to him, "What a pity! If you insist on making pictures I advise you to make pictures of trees and any other inanimated objects having no souls."

[See *Fatḥ Al-Bārī*, for details]

(105) CHAPTER. Trade of alcoholic drinks is illegal.

(١٠٥) بابُ تَحْرِيمِ التِّجَارَةِ في الخَمْرِ.

Jābir رَضِيَ اللهُ عَنْهُ said, "The Prophet ﷺ made the trade of alcoholic drinks illegal."

وقالَ جابِرٌ رَضِيَ اللهُ عَنْهُ: حَرَّمَ النَّبِيُّ ﷺ بَيْعَ الخَمْرِ.

2226. Narrated 'Āishah رَضِيَ اللهُ عَنها: When the last verses of *Sūrat Al-Baqarah* were revealed, the Prophet ﷺ went out (of his house to the mosque) and said, "The trade of alcoholic drinks has been made illegal."

٢٢٢٦ - **حَدَّثَنا** مُسْلِمٌ: حدَّثنا شُعْبةُ، عَنِ الأَعْمَشِ، عَنْ أَبي الضُّحى، عَنْ مَسْرُوقٍ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: لَمَّا نَزَلَتْ آياتُ سُورَةِ البَقَرَةِ عَنْ آخِرِها خَرَجَ النَّبِيُّ ﷺ فَقالَ: حُرِّمَتِ التِّجارَةُ في الخَمْرِ.

(106) CHAPTER. The sin of a person who sells a free man (knowingly and intentionally).

(١٠٦) بابُ إِثْمِ مَنْ باعَ حُرًّا.

2227. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Allāh says, 'I will be against three persons on the Day of Resurrection:

1. One who makes a covenant in My Name, but he proves treacherous.
2. One who sells a free person (as a slave) and eats the price.
3. And one who employs a labourer and gets the full work done by him but does not pay him his wages'."

٢٢٢٧ - **حَدَّثَني** بِشْرُ بنُ مَرْحُومٍ: حدَّثنا يَحْيَى بنُ سُلَيمٍ، عَنْ إِسْماعِيلَ بنِ أُمَيَّةَ، عَنْ سَعِيدِ بنِ أَبي سَعِيدٍ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قالَ: «قالَ اللهُ: ثَلاثَةٌ أَنا خَصْمُهُمْ يَوْمَ القِيامَةِ: رَجُلٌ أَعْطَى بي ثُمَّ غَدَرَ. ورَجُلٌ باعَ حُرًّا فَأَكَلَ ثَمَنَهُ. ورَجُلٌ اسْتَأْجَرَ أَجيراً فاسْتَوفى مِنْهُ ولَمْ يُعْطِه أَجْرَهُ».

(107) CHAPTER. The Prophet ﷺ ordered the Jews to sell their land when he exiled them (drove them out of Al-Madīna).

(١٠٧) بابُ أَمْرِ النَّبِيِّ ﷺ اليَهُودَ بِبَيْعِ أَرَضِيهِم حِينَ أَجْلاهُمْ.

فِيهِ المَقْبُرِيُّ، عَنْ أَبي هُرَيْرَةَ.

(108) CHAPTER. The sale of a slave (for a slave) and an animal for an animal on credit.

(١٠٨) بابُ بَيْعِ العَبْدِ والحَيَوانِ بالحَيَوانِ نَسِيئَةً.

And Ibn 'Umar bought a mount (riding camel) for four camels which he promised to

واشْتَرى ابنُ عُمَرَ راحِلَةً بأَرْبَعَةِ

أَبْعِرَةٍ مَضْمُونَةٍ عَلَيْهِ يُوَفِّيهَا صَاحِبَهَا بِالرَّبَذَةِ. وقالَ ابنُ عَبَّاسٍ: قَدْ يَكُونُ البَعِيرُ خَيراً مِنَ البَعِيرَيْنِ. واشْتَرى رافِعُ بنُ خَدِيجٍ بَعِيراً بِبَعِيرَيْنِ فَأَعْطاهُ أَحَدَهُما، وقالَ: آتِيكَ بالآخَرِ غَداً رَهْواً إِنْ شاءَ اللهُ. وقالَ ابنُ المُسَيَّبِ: لا رِبًا في الحَيَوانِ، البَعِيرُ بالبَعِيرَيْنِ. والشَّاةُ بالشَّاتَينِ إلى أَجَلٍ. وقالَ ابنُ سِيرِينَ: لا بأسَ بَعِيرٌ بِبَعِيرَيْنِ ودِرْهَمٌ بِدِرْهَمٍ نَسِيئَةً.

deliver at Ar-Rabadha. Ibn 'Abbās said, "One camel may be better than two." Rāfi' bin Khadīj once bought a camel for two camels and he delivered one instantly and said, "If Allāh will, I will bring you the other tomorrow without delay." And said Ibn Al-Musaiyab. "There is no *Ribā* (in animals) i.e., in selling one camel for two, or one sheep for two sheep on credit."

Ibn Sīrīn said, "There is no harm in selling one camel for two on credit."

٢٢٢٨ - **حَدَّثَنا** سُلَيْمانُ بنُ حَرْبٍ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: كَانَ فِي السَّبْيِ صَفِيَّةُ، فَصَارَتْ إِلى دِحْيَةَ الكَلْبِيِّ. ثُمَّ صَارَتْ إِلى النَّبِيِّ ﷺ. [راجع: ٣٧١]

2228. Narrated Anas رَضِيَ اللهُ عَنْهُ: Amongst the captives was Ṣafiyya. First she was given to Dihya Al-Kalbi and then to the Prophet ﷺ.[1]

(١٠٩) بابُ بَيْعِ الرَّقِيقِ

(109) CHAPTER. The sale of slaves.

٢٢٢٩ - **حَدَّثَنا** أَبُو اليَمانِ: أَخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أَخْبَرَنِي ابنُ مُحَيرِيزٍ أَنَّ أَبا سَعِيدٍ الخُدْرِيَّ رَضِيَ اللهُ عَنْهُ أَخْبَرَهُ: أَنَّهُ بَيْنَما هُوَ جَالِسٌ عِنْدَ النَّبِيِّ ﷺ قالَ: يا رَسُولَ اللهِ، إِنَّا نُصِيبُ سَبْياً. فَنُحِبُّ الأَثْمانَ فَكَيْفَ تَرَى فِي العَزْلِ؟ فَقالَ: «أَوَ إِنَّكُمْ تَفْعَلُونَ ذٰلِكَ؟ لا عَلَيْكُمْ أَنْ لا تَفْعَلُوا ذٰلِكُمْ،

2229. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ that while he was sitting with Allāh's Messenger ﷺ (an *Anṣari* man came) and said, "O Allāh's Messenger! We get female captives as our share of booty, and we are interested in their prices, what is your opinion about coitus interruptus?" The Prophet ﷺ said, "Do you really do that? It is better for you not to do it. No soul that which Allāh has destined to exist, but will surely come into existence."

[See *Fath Al-Bārī*]

(1) (H. 431) When the Prophet ﷺ took Ṣafiyya for himself, he told Diḥya to choose another slave-girl from among the captives. So, this case is a kind of buying a slave on credit. [See *Fatḥ Al-Bārī*].

فَإِنَّها لَيْسَتْ نَسَمَةٌ كَتَبَ اللهُ أَنْ تَخْرُجَ إِلَّا هِيَ خَارِجَةٌ».

(١١٠) **بابُ بَيْعِ المُدَبَّرِ.**

(110) CHAPTER. The sale of *Mudabbar* (i.e., a slave who is promised by his master to be manumitted after the latter's death).

٢٢٣٠ - حدَّثنا ابنُ نُمَيْرٍ: حدَّثنا وَكِيعٌ: حدَّثنا إسماعِيلُ عَنْ سَلَمَةَ بنِ كُهَيْلٍ، عَنْ عَطاءٍ عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: بَاعَ النَّبِيُّ ﷺ المُدَبَّرَ. [راجع: ٢١٤١]

2230. Narrated Jābir رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ sold a *Mudabbar* (on behalf of his master who was still living and was in need of money).

٢٢٣١ - حَدَّثنا قُتَيْبَةُ: حدَّثنا سُفْيانُ عَنْ عَمْرٍو: سَمِعَ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما يَقُولُ: باعَهُ رَسُولُ اللهِ ﷺ. [راجع: ٢١٤١]

2231. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ sold (a *Mudabbar*). [See *Fatḥ Al-Bārī*]

٢٢٣٢، ٢٢٣٣ - حدَّثني زُهَيْرُ بنُ حَرْبٍ: حدَّثنا يَعْقُوبُ: حدَّثنا أَبِي، عَنْ صَالِحٍ قالَ: حدَّثَ ابنُ شِهَابٍ أَنَّ عُبَيْدَ اللهِ أَخْبَرَهُ أَنَّ زَيْدَ بنَ خالِدٍ وأَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُما أَخْبَراهُ أَنَّهُما سَمِعا رَسُولَ اللهِ ﷺ يُسْأَلُ عَنِ الأَمَةِ تَزنِي ولَمْ تُحْصَنْ. قالَ: «اجلِدُوها، ثُمَّ إنْ زَنَتْ فاجلِدُوهَا ثُمَّ بِيعُوهَا بَعْدَ الثَّالِثَةِ أَوِ الرَّابِعَةِ». [راجع: ٢١٥٢]

2232, 2233. Narrated Zaid bin Khālid and Abū Hurairah رَضِيَ اللهُ عَنْهُما that Allāh's Messenger ﷺ was asked about an unmarried slave-girl who committed illegal sexual intercourse. They heard him saying, "Flog[1] her, and if she commits illegal sexual intercourse again after that, flog her again, and on the third (or the fourth) offense, sell her."[2]

٢٢٣٤ - حَدَّثنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ قالَ: أَخْبَرَني اللَّيْثُ، عَنْ

2234. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: I heard the Prophet ﷺ saying, "If a slave-girl of yours commits illegal sexual intercourse

(1) (H. 2232) A slave-girl committing illegal sexual intercourse is punished with 50 lashes, which are half the lashes given to a free unmarried person. Stoning is not prescribed for slaves committing illegal sexual intercourse.

(2) (H. 2232) The narrator is not sure whether the Prophet ﷺ said, "...the third or the fourth offense..."

سَعِيدٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «إِذَا زَنَتْ أَمَةُ أَحَدِكُمْ فَتَبَيَّنَ زِنَاها فَلْيَجْلِدْهَا الحَدَّ ولا يُثَرِّبْ عَلَيْها، ثُمَّ إِنْ زَنَتْ فَلْيَجْلِدْها الحَدَّ ولا يُثَرِّبْ، ثُمَّ إِنْ زَنَتِ الثَّالِثَةَ فَتَبَيَّنَ زِنَاها فَلْيَبِعْها وَلَوْ بِحَبْلٍ مِنْ شَعَرٍ». [راجع: ٢١٥٢]

and her illegal sexual intercourse is proved, she should be lashed, and after that nobody should blame her, and if she commits illegal sexual intercourse the second time, she should be lashed and nobody should blame her after that, and if she does the offense for the third time and her illegal sexual intercourse is proved, she should be sold, even for a hair rope."

(١١١) بابٌ هَلْ يُسافِرُ بالجارِيَةِ قَبْلَ أَنْ يَسْتَبْرِئَها؟

وَلَمْ يَرَ الحَسَنُ بأساً أَنْ يُقَبِّلَها أَو يُباشِرَها. وقالَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما: إِذَا وُهِبَتِ الوَلِيدَةُ الَّتِي تُوطأُ أَوْ بِيعَتْ أَوْ عَتَقَتْ فَلْيُسْتَبْرأْ رَحِمُها بِحَيْضَةٍ، ولا تُسْتَبْرأُ العَذْراءُ. وقالَ عَطاءٌ: لا بَأْسَ أَنْ يُصِيبَ مِنْ جارِيَتِهِ الحَامِلِ مَا دُونَ الفَرْجِ. وَقالَ اللهُ تعالى: ﴿إِلَّا عَلَىٰٓ أَزْوَٰجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَٰنُهُمْ﴾ [المؤمنون: ٦].

(111) CHAPTER. One can travel with a slave-girl without knowing whether she is pregnant or not?

Al-Ḥasan found no harm in her master's kissing or fondling with her.

Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا said, "If a slave-girl who is suitable to have sexual relations is given to somebody as a gift, or sold or manumitted, her master should not have sexual intercourse with her before she gets one menstruation so as to be sure of absence of pregnancy, and there is no such necessity for a virgin."

'Atā said, "There is no harm in fondling with one's pregnant[1] slave-girl without having sexual intercourse with her. Allāh said:

'Except with their wives and the (woman slaves) whom their right hands possess...'" (V.70:30)

٢٢٣٥ - حَدَّثَنَا عَبْدُ الغَفَّارِ بنُ داوُدَ: حدَّثَنا يَعْقُوبُ بنُ عَبْدِ الرَّحْمٰنِ عَنْ عَمْرِو بن أَبِي عَمْرٍو عَنْ أَنَسِ بنِ مالِكٍ رَضِيَ اللهُ عَنْهُ قالَ: قَدِمَ النَّبِيُّ ﷺ خَيْبَرَ فَلَمَّا فَتَحَ اللهُ عَلَيْهِ الحِصْنَ

2235. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: the Prophet ﷺ came to Khaibar and when Allāh made him victorious and he conquered the town by breaking the enemy's defense, the beauty of Ṣafiyya bint Ḥuyaī bin Akhṭab was mentioned to him. Her husband had been killed while she was a bride. Allāh's

(1) (Ch. 111) Pregnant from another man, not her master.

Messenger ﷺ selected her for himself and he set out in her company till he reached Sadd-ar-Rawḥā' where her menses were over and he married her. Then *Ḥais* (a kind of meal) was prepared and served on a small leather sheet (used for serving meals). Allāh's Messenger ﷺ then said to me, "Inform those who are around you (about the wedding banquet)." So that was the marriage banquet given by Allāh's Messenger for (his marriage with) Ṣafiyya. After that we proceeded to Al-Madīna and I saw that Allāh's Messenger ﷺ was covering her with a cloak while she was behind him. Then he would sit beside his camel and let Ṣafiyya put her feet on his knees to ride (the camel).

ذُكِرَ لَهُ جمالُ صَفِيَّةَ بِنْتِ حُيَيٍّ بْنِ أَخْطَبَ، وَقَدْ قُتِلَ زَوْجُها وكانَتْ عَرُوساً، فاصْطَفاها رَسُولُ اللهِ ﷺ لِنَفْسِهِ، فَخَرَجَ بِها حَتَّى بَلَغْنا سَدَّ الرَّوْحاءِ حَلَّتْ فَبَنَى بِها ثُمَّ صَنَعَ حَيْساً في نِطَعٍ صَغِيرٍ. ثُمَّ قالَ رَسُولُ اللهِ ﷺ: «آذِنْ مَنْ حَوْلَكَ»، فَكانَتْ تِلْكَ وَلِيمَةَ رَسُولِ اللهِ ﷺ عَلى صَفِيَّةَ. ثُمَّ خَرَجْنا إِلى المَدِينَةِ، قالَ: فَرَأَيْتُ رَسُولَ اللهِ ﷺ يُحَوِّي لَها وَرَاءَهُ بِعَباءَةٍ. ثُمَّ يَجْلِسُ عِنْدَ بَعِيرِهِ فَيَضَعُ رُكْبَتَهُ فَتَضَعُ صَفِيَّةُ رِجْلَها عَلى رُكْبَتِهِ حَتَّى تَرْكَبَ. [راجع: ٣٧١]

(112) CHAPTER. The sale of dead animals and idols.

(١١٢) بابُ بَيْعِ المَيْتَةِ والأَصْنامِ.

2236. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: In the year of the conquest of Makkah, I heard Allāh's Messenger ﷺ saying, "Allāh and His Messenger made illegal the trade of alcoholic liquors, dead animals, pigs and idols." The people asked, "O Allāh's Messenger! What about the fat of dead animals, for it was used for greasing the boats and the hides; and people use it for lights?" He said, "No, it is illegal." Allāh's Messenger ﷺ further said, "May Allāh curse the Jews, for Allāh made the fat (of animals) illegal for them, yet they melted the fat and sold it and ate its price."

٢٢٣٦ - حَدَّثَنا قُتَيْبَةُ: حَدَّثَنا اللَّيْثُ، عَنْ يَزِيدَ بنِ أَبي حَبِيبٍ، عَنْ عَطاءِ بنِ أَبي رَباحٍ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: أَنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ يَقُولُ وَهُوَ بِمَكَّةَ عامَ الفَتْحِ: «إِنَّ اللهَ وَرَسُولَهُ حَرَّمَ بَيْعَ الخَمْرِ والمَيْتَةِ والخِنْزِيرِ والأَصْنامِ». فَقِيلَ: يا رَسُولَ اللهِ، أَرَأَيْتَ شُحُومَ المَيْتَةِ فإِنَّها يُطلى بِها السُّفُنُ ويُدْهَنُ بِها الجُلُودُ. ويَسْتَصْبِحُ بِها النّاسُ. فَقالَ: «لا، هُوَ حَرامٌ» ثُمَّ قالَ رَسُولُ اللهِ ﷺ عِنْدَ ذلِكَ: «قاتَلَ اللهُ اليَهُودَ، إِنَّ اللهَ لَمَّا حَرَّمَ شُحُومَها جَمَلُوهُ ثُمَّ

باعُوهُ فأكَلُوا ثَمَنَهُ»، وقال أَبُو عَاصِم: حدَّثنا عَبْدُ الحَمِيدِ: حدَّثنا يَزِيدُ: كَتَبَ إليَّ عَطاءٌ: سَمِعْتُ جابِراً رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ. [انظر: ٤٢٩٦، ٤٦٣٣]

(113) CHAPTER. The price of a dog.

(١١٣) بابُ ثَمَنِ الكَلْبِ.

2237. Narrated Abū Mas'ūd Al-Anṣārī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ forbade taking the price of a dog, money earned by prostitution and the earnings of a soothsayer.

٢٢٣٧ - **حَدَّثَنَا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبرنَا مالكٌ، عَنِ ابنِ شِهابٍ. عَنْ أَبِي بَكْرِ بنِ عَبْدِ الرَّحْمٰنِ عَنْ أَبِي مَسعُودٍ الأَنْصارِيِّ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ نَهى عَنْ ثَمنِ الكَلْبِ، وَمَهْرِ البَغِيِّ، وَحُلْوَانِ الكاهِنِ. [انظر: ٢٢٨٢، ٥٣٤٦، ٥٧٦١]

2238. Narrated Aun bin Abū Juḥaifa: I saw my father buying a slave whose profession was cupping, and ordered that his instruments (of cupping) be broken. I asked him the reason for doing so. He replied, "Allāh's Messenger ﷺ prohibited taking money for blood, the price of a dog, and the earnings of a slave-girl by prostitution; he ﷺ cursed her who tattoos and her who gets tattooed, the eater of *Ribā* (usury) and also the one who gives it and the maker of pictures."

٢٢٣٨ - **حَدَّثَنَا** حَجَّاجُ بنُ مِنْهالٍ: حدَّثَنا شُعْبَةُ قالَ: أَخْبرَني عَوْنُ بنُ أَبِي جُحَيْفَةَ قالَ: رأيْتُ أَبِي اشْتَرَى حجَّاماً فَأَمَرَ بِمَحاجِمِهِ فكُسِرَتْ فَسأَلْتُهُ عَنْ ذٰلكَ، فقالَ: إنَّ رَسُولَ اللهِ ﷺ نَهى عَنْ ثَمَنِ الدَّمِ، وثَمَنِ الكَلْبِ، وكَسْبِ الأَمَةِ، وَلَعَنَ الوَاشِمَةَ والمُسْتَوْشِمَةَ، وآكِلَ الرِّبا ومُوكِلَهُ ولَعَنَ المُصَوِّرَ. [راجع: ٢٠٨٦]

35 – THE BOOK OF *AS-SALAM* (A sale in which the price is paid at once for goods to be delivered later)

٣٥ - كتاب السَّلَم

(1) CHAPTER. *As-Salam* by a definite known specified measure.

(١) بابُ السَّلَمِ فِي كَيْلٍ مَعْلُومٍ

2239. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما : Allāh's Messenger ﷺ came to Al-Madina and the people used to pay in advance the price of fruits to be delivered within one or two years. (The subnarrator is in doubt whether it was one to two years or two to three years.) The Prophet ﷺ said, "Whoever pays money in advance for dates (to be delivered later) should pay it for known specified weight and measure (of the dates)."

Narrated Ibn Abī Najīḥ as above, mentioning only known specific measure.

٢٢٣٩ - حَدَّثَنِي عَمْرُو بنُ زُرَارَةَ: أَخْبَرَنا إِسْمَاعِيلُ بنُ عُلَيَّةَ: أَخْبَرَنا ابنُ أَبِي نجيحٍ، عَنْ عَبْدِ اللهِ بنِ كَثِيرٍ، عنْ أَبِي المِنْهالِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قَدِمَ رَسُولُ اللهِ ﷺ المَدِينَةَ والنَّاسُ يُسْلِفُونَ فِي الثَّمَرِ العامَ والعَامَيْنِ - أَوْ قالَ: عامَيْنِ أَوْ ثَلاثَةً، شَكَّ إِسْماعِيلُ - فَقالَ: «مَنْ سَلَّفَ فِي تَمْرٍ فَلْيُسْلِفْ فِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ».

حَدَّثَنا مُحَمَّدٌ: أَخْبرَنا إِسْمَاعِيلُ، عَنِ ابنِ أَبِي نَجِيحٍ بِهٰذَا: «فِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ». [انظر: ٢٢٤٠، ٢٢٤١، ٢٢٥٣]

(2) CHAPTER. *As-Salam* for a known specified weight.

(٢) بابُ السَّلَمِ فِي وَزْنٍ مَعْلُومٍ

2240. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ came to Al-Madina and the people used to pay in advance the price of dates to be delivered within two or three years. He said (to them), "Whoever pays in advance the price of a thing to be delivered later should pay it for a known specified measure, at known specified weight, for a known specified time-period,"

٢٢٤٠ - حَدَّثَنَا صَدَقَةُ: أَخْبَرَنا ابنُ عُيَيْنَةَ: أَخْبَرَنا ابنُ أَبِي نَجِيحٍ، عَنْ عَبْدِ اللهِ بنِ كَثِيرٍ، عَنْ أَبِي المِنْهَالِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قَدِمَ النَّبِيُّ ﷺ المَدِينَةَ وَهُمْ يُسْلِفُونَ بِالثَّمْرِ السَّنَتَيْنِ

والثَّلاث، فقال: «مَنْ أسْلَفَ في شَيْءٍ فَفِي كَيْلٍ مَعْلُوم ووَزْنٍ مَعْلُوم إلى أَجَلٍ مَعْلُوم». [راجع: ٢٢٣٩]

Narrated Ibn Abī Najīḥ as above, saying, "He should pay the price in advance for a known specified measure and for a known specified time-period."

حَدَّثنا عليٌّ: حدَّثنا سُفيانُ قال: حدَّثني ابنُ أبي نَجيح وقال: «فَلْيُسْلِفْ في كَيْلٍ مَعْلُوم إلى أَجَلٍ مَعْلُوم».

2241. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ came (to Al-Madina) and he told the people (regarding the payment of money in advance that they should pay it) for known specified measure and a known specified weight and known specified time-period.

٢٢٤١ - حَدَّثنا قُتَيْبَةُ: حدَّثنا سُفيانُ، عَنِ ابنِ أبي نَجيحٍ، عَنْ عَبْدِ الله ابنِ كَثيرٍ، عَنْ أَبي المِنْهالِ قال سَمِعْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: قَدِمَ النَّبيُّ ﷺ وقال: «في كَيْلٍ مَعْلُومٍ، وَوَزْنٍ مَعْلُومٍ إلى أَجَلٍ مَعْلُومٍ». [راجع: ٢٢٣٩]

2242, 2243. Narrated Shu'ba: Muḥammad or 'Abdullāh bin Abū Al-Mujālid said, " 'Abdullāh bin Shaddād and Abū Burda differed regarding *As-Salam*, so they sent me to Ibn Abī Aūfā رَضِيَ اللهُ عنهما and I asked him about it. He replied, 'In the lifetime of Allāh's Messenger ﷺ , Abū Bakr and 'Umar, we used to pay in advance the prices of wheat, barley, dried grapes and dates to be delivered later.' I also asked Ibn Abzā and he, too, replied as above."

٢٢٤٢، ٢٢٤٣ - حَدَّثنا أَبو الوَليدِ: حدَّثنا شُعْبَةُ، عَنِ ابْنِ أَبي المُجالِدِ. ح وحدَّثنا يَحْيَى: حدَّثنا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ مُحَمَّدِ بنِ أَبي المُجالِدِ: حدَّثنا حَفْصُ بنُ عُمَرَ: حدَّثنا شُعْبَةُ قال: أَخْبَرَني مُحَمَّدٌ أو عَبْدُ اللهِ بنُ أَبي المُجالِدِ، قال: اخْتَلَفَ عَبْدُ اللهِ بنُ شَدَّادِ بن الهادِ وأَبُو بُرْدَةَ في السَّلَفِ فَبَعَثُوني إلى ابنِ أَبي أَوْفَى رَضِيَ اللهُ عَنْهُ فَسَأَلْتُهُ فقال: إنَّا كُنَّا نُسْلِفُ على عَهْدِ رَسُولِ اللهِ ﷺ وأَبي بَكْرٍ وعُمَرَ في الحِنْطَةِ والشَّعِيرِ والزَّبِيبِ والتَّمْرِ. وسَأَلْتُ ابنَ أَبْزَى فَقالَ مِثْلَ ذٰلكَ. [الحديث:

٢٢٤٢، انظر: ٢٢٤٤، ٢٢٥٥]؛
[الحديث: ٢٢٤٣، انظر: ٢٢٤٥، ٢٢٥٤]

(3) CHAPTER. ***As-Salam*** **to a person who has got nothing (to pay for the prices he receives in advance).**

2244, 2245. Narrated Muḥammad bin Al-Mujālid: 'Abdullāh bin Shaddād and Abū Burda sent me to 'Abdullāh bin Abī Aūfā رَضِيَ الله عَنْهُما and told me to ask 'Abdullāh whether the people in the lifetime of the Prophet ﷺ used to pay in advance for wheat (to be delivered later). 'Abdullāh replied, "We used to pay in advance to the peasants of Sham for wheat, barley and olive oil for a known specified measure to be delivered in a known specified time-period." I asked (him), "Was the price paid (in advance) to those who had the things to be delivered later?" 'Abdullāh bin Aufā replied, "We did not use to ask them about that." Then they sent me to 'Abdur Raḥmān bin Abzā and I asked him. He replied, "The Companions of the Prophet ﷺ used to practise *As-Salam* in the lifetime of the Prophet ﷺ and we did not use to ask them whether they had standing crops or not."

Narrated Muḥammad bin Abī Al-Mujālid as above (*Ḥadīth* No.2244, 2245) and said, "We used to pay them in advance for wheat and barley (to be delivered later)."

Narrated Ash-Shaibānī, "And also for oil."

Narrated Ash-Shaibānī (who said) "We used to pay in advance for wheat, barley and dried grapes."

(٣) بابُ السَّلَمِ إِلَى مَنْ لَيْسَ عِنْدَهُ أَصْلٌ

٢٢٤٤، ٢٢٤٥ - **حَدَّثَنا** مُوسَى بنُ إِسْماعِيلَ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا الشَّيبَانِيُّ: حدَّثَنا مُحَمَّدُ بنُ أَبِي مُجالِدِ قالَ: بَعَثَنِي عَبْدُ اللهِ بنُ شَدَّادٍ وأَبُو بُرْدَةَ إِلى عَبْدِ اللهِ بن أَبِي أَوْفَى رَضِيَ اللهُ عَنْهُما فَقالا: سَلْهُ هَلْ كانَ أَصْحَابُ النَّبِيِّ ﷺ في عَهْدِ النَّبيِّ ﷺ يُسْلِفُونَ فِي الحِنْطَةِ؟ فَقالَ عَبْدُ اللهِ: كُنَّا نُسْلِفُ نَبِيطَ أَهْلِ الشَّأْمِ في الحِنْطَةِ والشَّعِيرِ والزَّيْتِ، فِي كَيْلٍ مَعْلُومٍ إِلى أَجَلٍ مَعْلُومٍ. قُلْتُ: إِلى مَنْ كانَ أَصْلُهُ عِنْدَهُ؟ قالَ: ما كُنَّا نَسْأَلُهُمْ عَنْ ذٰلِكَ. ثُمَّ بَعَثانِي إِلى عَبْدِ الرَّحْمٰنِ بنِ أَبْزى. فَسأَلْتُهُ فَقالَ: كانَ أَصْحابُ النَّبِيِّ ﷺ يُسْلِفُونَ فِي عَهْدِ النَّبِيِّ ﷺ ولَمْ نسأَلْهُمْ: أَلَهُمْ حرْثٌ أَمْ لا؟. [راجع: ٢٢٤٢، ٢٢٤٣]

حَدَّثَنا إِسْحاقُ: حدَّثَنا خالِدُ بنُ عَبْدِ اللهِ، عَنِ الشَّيْبانِيِّ، عَنْ مُحَمَّدِ بنِ أَبِي مُجالِدٍ بهذا، وَقالَ: فَنُسْلِفُهُمْ فِي الحِنْطَةِ والشَّعِيرِ. وَقالَ عَبْدُ اللهِ بنُ الوَلِيد، عَنْ سُفْيانَ: حدَّثنا الشَّيْباني وَقالَ: والزَّيْتِ. حَدَّثنا قُتَيْبَةُ: حدَّثَنا جَرِيرٌ، عَنِ الشَّيْبانِيِّ

وَقالَ: في الحِنْطَةِ والشَّعِيرِ والزَّبِيبِ.

2246. Narrated Abū Bakhtarī At-Ṭāī: I asked Ibn 'Abbas رَضِيَ اللهُ عَنْهُما about *As-Salam* for (the fruits of) date-palms. He replied, "The Prophet ﷺ forbade the sale of dates on the trees till they became fit for eating and could be weighed." A man asked what to be weighed (as the dates were still on the trees). Another man sitting beside Ibn 'Abbās replied, "Till they are cut and stored."(1)

Narrated Abū Al-Bakhtarī: I heard Ibn 'Abbās رَضِيَ اللهُ عَنْهُما (saying) that the Prophet ﷺ forbade... etc. as above.

٢٢٤٦ - حَدَّثَنا آدَمُ: حدَّثنا شُعْبَةُ: أَخْبرنَا عَمْرٌو قالَ: سَمِعْتُ أَبَا البَخْتَرِيِّ الطَّائيَّ قالَ: سَأَلْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما عَنِ السَّلَمِ في النَّخْلِ، قالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ النَّخْلِ حَتَّى يُؤكَلَ مِنْهُ وحتَّى يُوزَنَ، فَقَالَ رجلٌ: ما يُوزَنُ؟ فَقالَ لَهُ رَجُلٌ إلى جَانبِهِ: حَتَّى يُحْرَزَ». وقَالَ مُعَاذٌ: حدَّثَنا شُعْبَةُ، عَنْ عَمْرٍو قالَ أَبُو البَخْتَرِيِّ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: نَهَى النَّبِيُّ ﷺ مِثْلَهُ. [انظر: ٢٢٤٨، ٢٢٥٠]

(4) CHAPTER. *As-Salam* for (the fruits of) date-palms.

(٤) بابُ السَّلَمِ في النَّخلِ

2247, 2248. Narrated Abū al-Bakhtarī: I asked Ibn 'Umar رَضِيَ اللهُ عَنْهُما about *As-Salam* for (the fruits) of date-palms. He replied, "The Prophet ﷺ forbade the sale of dates till their benefit becomes evident and fit for eating, and also the sale of silver (for gold) on credit."

I asked Ibn 'Abbās about *As-Salam* for dates and he replied, "The Prophet ﷺ forbade the sale of dates till they were fit for eating and could be estimated."

٢٢٤٧، ٢٢٤٨ - حَدَّثَنا أَبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ، عَنْ عَمْرٍو، عَنْ أَبِي البَخْتَرِيِّ قالَ: سأَلْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ السَّلَمِ في النَّخْلِ، فَقالَ: نُهِيَ عَنْ بَيْعِ النَّخلِ حَتَّى يَصْلُحَ وَعَنْ بَيْعِ الوَرِقِ نَساءً بِناجِزٍ. وَسأَلْتُ ابنَ عَبَّاسٍ عَنِ السَّلَمِ في النَّخْلِ فَقالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ النَّخْلِ حَتَّى يُؤكَلْ مِنْهُ - أَوْ يأكُلَ مِنْهُ - وَحتَّى يُوزَنَ. [راجع: ١٤٨٦، ٢٢٤٦]

2249, 2250. Narrated Abū Al-Bakhtarī: I

٢٢٤٩، ٢٢٥٠ - حَدَّثَنا مُحَمَّدُ

(1) (H. 2246) In some narrations occurs: 'Till they could be estimated (while still on the trees).'

asked Ibn 'Umar رَضِيَ اللهُ عَنْهُما about *As-Salam* for dates. Ibn 'Umar replied, "The Prophet ﷺ forbade the sale (of fruits) of date-palms until they were fit for eating; and also forbade the sale of silver for gold on credit." I also asked Ibn 'Abbās about it. Ibn 'Abbās replied, "The Prophet ﷺ forbade the sale of dates till they were fit for eating, and could be weighed." I asked him, "What is to be weighed (as the dates are on the trees)?" A man sitting by Ibn 'Abbās said, "It means till they are cut and stored."

بنُ بَشَّارٍ: حدَّثَنا غُنْدَرٌ: حدَّثَنا شُعْبَةُ، عَنْ عَمْرٍو، عَنْ أَبِي البَخْتَرِيِّ: سَأَلْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ السَّلَمِ فِي النَّخْلِ، فَقالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ الثَّمَرِ حَتَّى يَصْلُحَ. ونَهَى عَنِ الوَرِقِ بِالذَّهَبِ نَساءً بِناجِزٍ. وسأَلْتُ ابنَ عَبَّاسٍ فَقالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ النَّخْلِ حَتَّى يأكُلَ أَوْ يُؤكَلَ، وحَتَّى يُوزَنَ. قُلْتُ: وَما يُوزَنُ؟ قالَ رَجُلٌ عِنْدَهُ: حَتَّى يُحْرَزَ. [راجع: ١٤٨٦، ٢٢٤٦]

(5) CHAPTER. The guarantor in *As-Salam*.

(٥) بابُ الكَفِيلِ في السَّلَم

2251. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ bought some foodstuff (barley) from a jew on credit and mortgaged his iron armour to him (the amour stands for a guarantor).

٢٢٥١ - حدَّثَني مُحَمَّدُ بنُ سَلامٍ: حدَّثَنا يَعْلَى: حدَّثَنا الأَعْمَشُ، عَنْ إبْراهِيمَ، عَنِ الأَسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهَا قالَتْ: اشْتَرَى رَسُولُ اللهِ ﷺ طَعاماً مِنْ يَهُودِيٍّ بِنَسِيئَةٍ وَرَهَنَهُ دِرْعاً لَهُ مِنْ حَدِيدٍ. [راجع: ٢٠٦٨]

(6) CHAPTER. Mortgaging in *As-Salam*.

(٦) بابُ الرَّهْنِ في السَّلَم

2252. Narrated Al-A'mash: We argued at Ibrāhīm's dwelling place about mortgaging in *As-Salam*. He said, "Āishah رَضِيَ اللهُ عَنها said, 'The Prophet ﷺ bought some foodstuff from a jew on credit and the payment was to be made by a known definite time-period, and he mortgaged his iron armour to him'."

٢٢٥٢ - حدَّثَني مُحَمَّدُ بنُ مَحْبُوبٍ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا الأَعْمَشُ قالَ: تَذاكَرْنا عِنْدَ إبْراهِيمَ الرَّهْنَ في السَّلَفِ، فَقالَ: حدَّثَني الأَسْوَدُ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهُا: أَنَّ النَّبِيَّ ﷺ اشْتَرَى مِنْ يَهُودِيٍّ طعاماً إِلى أَجَلٍ مَعْلُومٍ وارْتَهَنَ مِنْهُ درعاً مِنْ حَدِيدٍ. [راجع: ٢٠٦٨]

(7) CHAPTER. ***As-Salam*** **for a fixed specified period.**

Ibn 'Abbās, Abu Sa'īd, Al-Aswad and Al-Ḥasan permitted it. Ibn 'Umar said, "There is no harm in buying foodstuff to be delivered within a known specified time-period, at a known fixed price provided that it is not standing crops that have not yet become ripe and free from blights and diseases."

2253. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ came to Al-Madīna and the people used to pay in advance the prices of fruits to be delivered within two to three years. The Prophet ﷺ said (to them), "Buy fruits by paying their prices in advance on condition that the fruits are to be delivered to you according to a known specified measure, within a known specified time-period." Ibn Najīḥ said, "...by a known specified measure and a known specified weight."

2254, 2255. Narrated Muḥammad bin Abī Al-Mujālid: Abū Burda and 'Abdullāh bin Shaddād sent me to 'Abdur Raḥmān bin Abzā and 'Abdullāh bin Abi Aūfā to ask them about the *As-Salaf* (*As-Salam*). They said, "We used to get war booty while we were with Allāh's Messenger ﷺ, and when the peasants of Sham came to us we used to pay them in advance for wheat, barley, and oil to be delivered within a known fixed time-period." I asked them, "Did the peasants own standing crops or not?" They replied, "We never asked them about it."

(٧) **بابُ السَّلَمِ إِلى أَجَلٍ مَعْلُومٍ،**

وَبِهِ قالَ ابنُ عَبَّاسٍ وأَبُو سَعِيدٍ والحَسَنُ والأَسْوَدُ. وَقالَ ابنُ عُمَرَ: لا بأْسَ في الطَّعامِ المَوصُوفِ بِسِعْرٍ مَعْلُومٍ إِلى أَجَلٍ مَعْلُومٍ، مَا لم يَكُنْ ذٰلكَ في زَرْعٍ لَمْ يَبْدُ صَلاحُهُ.

٢٢٥٣ - حَدَّثَنا أَبُو نُعَيْمٍ: حدَّثَنا سُفْيانُ، عَنِ ابنِ أَبِي نَجِيحٍ عَنْ عَبْدِ اللهِ ابنِ كَثِيرٍ، عَنْ أَبِي المِنْهالِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قَدِمَ النَّبِيُّ ﷺ المَدِينَةَ وَهُمْ يُسْلِفُونَ في الثِّمارِ السَّنَتَيْنِ والثَّلاثَ، فَقالَ: «أَسْلِفُوا في الثِّمارِ في كَيْلٍ مَعْلُومٍ إِلى أَجَلٍ مَعْلُومٍ». وَقالَ عَبْدُ اللهِ بنُ الوَلِيدِ: حدَّثَنا سُفْيانُ: حدَّثَنا ابنُ أَبِي نَجِيحٍ، وَقالَ: «في كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ». [راجع: ٢٢٣٩]

٢٢٥٤، ٢٢٥٥ - حَدَّثَنا مُحَمَّدُ بنُ مُقاتِلٍ: أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا سُفْيانُ، عَنْ سُلَيْمانَ الشَّيْبانِيِّ، عَنْ مُحَمَّدِ بنِ أَبِي المُجالِدِ قالَ: أَرْسَلَنِي أَبُو بُرْدَةَ وعَبْدُ اللهِ بنُ شَدَّادٍ إِلى عَبْدِ الرَّحْمٰنِ بنِ أَبْزَى وعَبْدِ اللهِ بنِ أَبِي أَوْفى، فَسأَلْتُهُما عَنِ السَّلَفِ، فَقالا: كُنَّا نُصِيبُ المَغانِمَ مَعَ رَسُولِ اللهِ ﷺ فَكانَ يَأْتِينا أَنْباطٌ مِنْ أَنْباطِ الشَّأْمِ فَنُسْلِفُهُمْ في الحِنْطَةِ والشَّعِيرِ والزَّبِيبِ إِلى أَجَلٍ مُسَمًّى، قالَ: قُلْتُ: أَكانَ

لَهُمْ زَرْعٌ أَوْ لَمْ يَكُنْ لَهُمْ زَرْعٌ؟ قَالَ: مَا كُنَّا نَسأَلُهُمْ عَنْ ذٰلِكَ. [راجع: ٢٢٤٢، ٢٢٤٣]

(8) CHAPTER. *As-Salam* in buying a she-camel to be delivered after it has given birth.

(٨) **بابُ** السَّلَمِ إِلى أَنْ تُنْتَجَ النَّاقَةُ

2256. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: The people used to sell camels on the basis of *Ḥabal-il-Ḥabala*.[1] The Prophet ﷺ forbade such sale. Nafi' explained *Ḥabal-il-Ḥabala* by saying. "The she-camel is to be delivered to the buyer after the she-camel gives birth."

٢٢٥٦ - **حَدَّثَني** مُوسَى بنُ إِسْمَاعِيلَ: أَخْبرنَا جُوَيْرِيَةُ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: كانُوا يَتَبايَعُونَ الجَزُورَ إِلى حَبَلِ الحَبَلَةِ، فَنَهَى النَّبِيُّ ﷺ عَنْهُ، فَسَّرَهُ نَافِعٌ إِلى أَنْ تُنْتَجَ النَّاقَةُ ما في بَطْنِها. [راجع: ٢١٤٣]

(1) (H. 2256) See glossary.

36 - THE BOOK OF PRE-EMPTION [*As-Salam* in *Ash-Shuf'a* (pre-emption)]

٣٦ - كتاب الشفعة

(1) CHAPTER. *Shuf'a* (pre-emption) is valid if the property is undivided, but if the limits become defined, then there is no pre-emption.

(١) بابُ الشُّفْعَةِ فِيمَا لَمْ يُقْسَمْ فَإذَا وَقَعَتِ الحُدُودُ فَلا شُفْعَةَ

2257. Narrated Jābir bin 'Abdullāh رَضِيَ الله عَنْهُما : Allāh's Messenger ﷺ gave the verdict of pre-emption (*Shuf'a*) for every undivided joint thing (property). But if the limits are defined (or demarcated) or the ways and streets are fixed, then there is no pre-emption.

٢٢٥٧ - حَدَّثَنَا مُسَدَّدٌ: حدَّثنا عَبْدُ الوَاحِدِ: حدَّثنا مَعْمَرٌ، عَنِ الزُّهريِّ، عَنْ أَبِي سَلَمَةَ بنِ عَبْدِ الرَّحمنِ، عَنْ جَابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: قَضَى النَّبِيُّ ﷺ بالشُّفْعَةِ في كُلِّ مَا لَمْ يُقْسَمْ، فإذاً وَقَعَتِ الحُدُودُ، وَصُرِّفَتِ الطُّرُقُ، فَلا شُفْعَةَ. [راجع: ٢٢١٣]

(2) CHAPTER. The partner should inform his partner, who has the right of pre-emption, of his intention to sell his share before selling it.

Al-Ḥakam said, "If the pre-emptor allows his partner to sell before selling, then he has no pre-emption any more." Ash-Sha'bī said, "If the pre-emptor witnesses the sale of what he has the right to buy by pre-emption and does not object to that sale, he loses the right of pre-emption."

(٢) بابُ عَرْضِ الشُّفْعَةِ على صَاحِبِها قَبْلَ البَيْعِ

وَقالَ الحَكَمُ: إذَا أَذِنَ لَهُ قَبْلَ البَيْعِ فَلا شُفْعَةَ لَهُ. وَقالَ الشَّعْبِيُّ: مَنْ بِيعَتْ شُفْعَتُهُ وَهُوَ شَاهِدٌ لا يُغَيِّرُها فَلا شُفْعَةَ لَهُ.

2258. Narrated 'Amr bin Ash-Sharīd: While I was standing with Sa'd bin Abī Waqqās, Al-Miswar bin Makhrama came and put his hand on my shoulder. Meanwhile Abū Rāfi', the freed slave of the Prophet ﷺ came and asked Sa'd to buy from him the (two) dwellings which were in his house. Sa'd said, "By Allāh I will not buy them." Al-Miswar said, "By Allāh, you shall

٢٢٥٨ - حَدَّثَنَا المَكِّيُّ بنُ إبْراهِيمَ: أَخْبَرَنا ابنُ جُرَيْجٍ: أَخْبَرَني إبْرَاهِيمُ بنُ مَيْسَرَةَ، عَنْ عَمْرِو بنِ الشَّرِيدِ قالَ: وَقَفْتُ على سَعْدِ بنِ أَبِي وَقَّاصٍ فَجَاءَ المِسْوَرُ بنُ مَخْرَمَةَ فَوَضَعَ يَدَهُ عَلى إحْدى مَنْكِبَيَّ إذ جَاءَ

buy them." Sa'd replied, "By Allāh, I will not pay more than four thousand (Dirhams) by installments." Abū Rafi' said, "I have been offered five hundred Dīnār (for it) and had I not heard the Prophet ﷺ saying, 'The neighbour has more right than anyone else because of his nearness, I would not give them to you for four thousand (Dirhams) while I am offered five hundred Dīnār (one Dīnār equals ten Dirhams) for them." So, he sold it to Ṣa'd.

أَبُو رَافِعٍ مَوْلَى النَّبِيِّ ﷺ فَقالَ: يا سَعْدُ ابْتَعْ مِنِّي بَيْتَيَّ في دَارِكَ. فَقالَ سَعْدٌ: وَاللهِ مَا أَبْتَاعُهُما، فَقالَ المِسْوَرُ: وَاللهِ لَتَبْتاعَنَّهُما، فَقالَ سَعْدٌ: وَاللهِ لا أَزِيدُكَ على أَرْبَعَةِ آلافٍ مُنَجَّمَةً أَوْ مُقَطَّعَةً. قالَ أَبُو رَافِعٍ: لَقَد أُعْطِيتُ بِها خَمْسَمِائَةِ دِينارٍ، وَلَوْلا أَنِّي سَمِعْتُ رسولَ اللهِ ﷺ يَقُولُ: «الجارُ أَحَقُّ بِسَقَبِهِ» مَا أَعْطَيْتُكَها بِأَرْبَعَةِ آلافٍ وأنا أُعطَى بِها خَمْسَمِائَةِ دِينارٍ، فَأَعْطاها إِيَّاهُ.

[انظر: ٦٩٧٧، ٦٩٨١]

(3) CHAPTER. Who is considered as the nearer neighbour?

(٣) بابٌ: أَيُّ الجِوَارِ أَقْرَبُ؟

2259. Narrated 'Āishah رَضِيَ اللهُ عَنْها: I said, "O Allāh's Messenger! I have two neighbours and would like to know to which of them I should give presents." He replied, "To the one whose door is nearer to you."

٢٢٥٩ - حَدَّثَنا حَجَّاجٌ: حَدَّثَنا شُعْبَةُ. ح وحَدَّثَنا عليُّ بنُ عَبْدِ اللهِ: حَدَّثَنا شَبَابَةُ: حَدَّثَنا شُعْبَةُ: حَدَّثَنا أَبُو عِمْرَانَ قالَ: سَمِعْتُ طَلْحَةَ بنَ عَبْدِ اللهِ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قُلْتُ: يا رَسُولَ اللهِ، إِنَّ لي جارَيْنِ فَإِلى أَيِّهِما أُهْدِي؟ قالَ: «إِلى أَقْرَبِهِما مِنْكِ باباً». [انظر: ٢٥٩٥، ٦٠٢٠]

37 - THE BOOK OF HIRING (Concerning Hiring)

٣٧ - كتاب الإجارة

(1) CHAPTER. To hire a pious man.

The Statement of Allāh تعالى :

"... Verily, the best of men for you to hire is the strong, the trustworthy." (V.28:26)

(And what is said about) the honest treasurer, and the person who does not employ the one who is in an earnest pursuit of a job (position).

(١) **بابُ اسْتِئْجارِ الرَّجُلِ الصَّالِحِ** وَقَوْلِ اللهِ تعالى: ﴿إِنَّ خَيْرَ مَنِ ٱسْتَـْٔجَرْتَ ٱلْقَوِىُّ ٱلْأَمِينُ﴾ [القصص: ٢٦] والخَازِنُ الأَمِينُ وَمَنْ لَمْ يَسْتَعْمِلْ مَنْ أَرَادَهُ.

2260. Narrated Abu Mūsa Al-Ash'arī رَضِيَ الله عَنْهُ : The Prophet ﷺ said, "The honest treasurer who gives willingly what he is ordered to give, is one of the two charitable persons (the second being the owner)."

٢٢٦٠ - **حَدَّثَنَا** مُحَمَّدُ بنُ يُوسُفَ: حدَّثنا سُفْيانُ، عَنْ أَبِي بُرْدَةَ قالَ: أَخْبَرَنِي جَدِّي أَبُو بُرْدَةَ، عَنْ أَبِيهِ أَبِي مُوسَى الأَشْعَرِيِّ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ ﷺ: «الخَازِنُ الأَمِينُ الذي يُؤَدِّي مَا أُمِرَ بِهِ طَيِّبٌ نَفْسُهُ أَحَدُ المُتَصَدِّقَيْنِ». [راجع: ١٤٣٨]

2261. Narrated Abū Mūsa رَضِيَ الله عَنْهُ : I went to the Prophet ﷺ with two men from Ash'arī tribe. I said (to the Prophet ﷺ), "I do not know that they want employment." The Prophet ﷺ said, "No, we do not appoint for our jobs anybody who demands it earnestly."

٢٢٦١ - **حَدَّثَنَا** مُسَدَّدٌ: حدَّثَنا يَحْيَى، عَنْ قُرَّةَ بنِ خَالِدٍ قالَ: حدَّثَني حُمَيْدُ بنُ هِلالٍ: حدَّثَنا أَبُو بُرْدَةَ، عَنْ أَبِي مُوسَى قالَ: أَقْبَلْتُ إِلى النَّبِيِّ ﷺ ومَعِي رَجُلان مِنَ الأَشْعَرِيِّينَ فَقُلْتُ: ما عَلِمْتُ أَنَّهُما يَطْلُبانِ العَمَلَ، قالَ: «لَنْ، أَوْ لا نَسْتَعْمِلُ على عَمَلِنا مَنْ أَرَادَهُ». [انظر: ٣٠٣٨، ٤٣٤١، ٤٣٤٣، ٤٣٤٤، ٦١٢٤، ٦٩٢٣، ٧١٤٩، ٧١٥٦، ٧١٥٧، ٧١٧٢]

(2) CHAPTER. To shepherd sheep for *Qirāt*.[1]

(٢) **بابُ** رَعْيِ الغَنَمِ عَلى قَرارِيطَ

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(1) (Ch. 2) One *Qirāṭ* equals one-half *Danīq* and one *Danīq* equals: one-sixth of Dirham. Sometimes it may very big as Uhud mountain (at Al-Madīna).

٢٢٦٢ - حَدَّثَنَا أَحْمَدُ بنُ مُحَمَّدٍ المَكِّيُّ: حدَّثَنا عَمْرُو بنُ يَحْيَى، عَنْ جَدِّهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «مَا بَعَثَ اللهُ نَبِيًّا إِلَّا رَعى الغَنَمَ». فَقالَ أَصْحَابُهُ: وأَنْتَ؟ فَقالَ: «نَعَمْ، كُنْتُ أَرْعَاهَا عَلى قَرَارِيطَ لأَهْلِ مَكَّةَ».

2262. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Allāh did not send any Prophet but he shepherded sheep." His Companions asked him. "Did you do the same?" The Prophet ﷺ replied, "Yes, I used to shepherd the sheep of the people of Makkah for some *Qirāt*."

(٣) بابُ اسْتِئْجَارِ المُشْرِكِينَ عِنْدَ الضَّرُورَةِ، أَوْ إِذَا لَمْ يُوجَدْ أَهْلُ الإِسْلامِ

(3) CHAPTER. The employment of *Mushrikun* (by Muslims) if necessary, or if no Muslim is available for that purpose.

وعَامَلَ النَّبِيُّ ﷺ يَهُودَ خَيْبَرَ.

And the Prophet ﷺ employed the Jews of Khaibar (for the purpose of irrigating the land).

٢٢٦٣ - حَدَّثَني إِبْرَاهِيمُ بنُ مُوسَى: أَخْبَرنا هِشَامٌ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: واسْتَأْجَرَ النَّبِيُّ ﷺ وأَبُو بَكْرٍ رَجُلاً مِنْ بَنِي الدِّيلِ، ثُمَّ مِنْ بَنِي عَبْدِ بنِ عَدِيٍّ هادِياً: المَاهِرُ بالهِدَايَةِ، قَدْ غَمَسَ يَمِينَ حِلْفٍ فِي آلِ العَاصِي بن وائِلٍ، وَهُوَ عَلَى دِينِ كُفَّارِ قُرَيْشٍ، فأَمِنَاهُ. فَدَفَعَا إِلَيْهِ رَاحِلَتَيْهِما وَوَاعَدَاهُ غارَ ثَوْرٍ بَعْدَ ثَلاثِ لَيالٍ. فَأَتَاهُما بِرَاحِلَتَيْهِما صَبِيحَةَ لَيالٍ ثَلاثٍ فارْتَحَلا وانْطَلَقَ مَعَهُما عامِرُ بنُ فُهَيرَةَ والدَّلِيلُ الدِّيلِيُّ، فأَخَذَ بِهِمْ أَسْفَلَ مَكَّةَ وهُوَ طَرِيقُ السَّاحِلِ.

[راجع: ٤٧٦]

2263. Narrated 'Āishah رَضِيَ اللهُ عَنها: The Prophet ﷺ and Abū Bakr employed a (*Mushrik*) man from the tribe of Banī Ad-Dail and the trible of Banī 'Abd bin 'Adī as a guide. He was an expert guide and he broke the oath contract which he had to abide by with the tribe of Al-'Āṣī bin Wā'il, and he was on the religion of Quraish pagans *(Mushrikun)*. The Prophet ﷺ and Abū Bakr had confidence in him and gave him their riding camels and told him to bring them to the cave of *Thaur* after three days. So he brought them their two riding camels after three days, and both of them (the Prophet ﷺ and Abū Bakr) set out accompanied by 'Āmir bin Fuhaira and the Daili guide who guided them below Makkah along the road leading to the sea-shore.

(4) CHAPTER. It is legal if somebody hires someone to work for him after three days, or after one month or after a year. When that period elapses they should carry out their contract.

(٤) **بابٌ** إِذَا اسْتَأْجَرَ أَجِيراً لِيَعْمَلَ لَهُ بَعْدَ ثَلاثَةِ أَيَّامٍ، أَوْ بَعْدَ شَهْرٍ، أَوْ بَعْدَ سَنَةٍ جازَ، وَهُما عَلَى شَرْطِهِما الَّذِي اشْتَرَطاهُ إِذَا جاءَ الأَجَلُ

2264. Narrated 'Āishah رَضِيَ اللهُ عَنها, the wife of the Prophet ﷺ : Allāh's Messenger ﷺ and Abū Bakr hired a man from the tribe of Banī Ad-Dail as an expert guide who was a pagans (*Mushrik*) follower of the religion of the pagans (*Mushrikun*) of Quraish. The Prophet ﷺ and Abū Bakr gave him their two riding camels and took a promise from him to bring their riding camels in the morning of the third day to the cave of Thaur.

٢٢٦٤ - حَدَّثَنا يَحْيَى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ عَنْ عُقَيْلٍ: قالَ ابنُ شِهابٍ: فَأَخْبَرَنِي عُرْوَةُ بنُ الزُّبَيرِ أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْها زَوْجَ النَّبِيِّ ﷺ قالَتْ: وَاسْتَأْجَرَ رَسُولُ اللهِ ﷺ وأَبُو بَكْرٍ رَجُلاً مِنْ بَنِي الدِّيْلِ هادِياً خِرِّيتاً وهُوَ عَلَى دِينِ كُفَّارِ قُرَيْشٍ، فَدَفَعا إِلَيْهِ راحِلَتَيْهِمَا وَوَاعَداهُ غارَ ثَوْرٍ بَعْدَ ثَلاثِ لَيالٍ فَأَتاهُما بِراحِلَتَيْهِما صُبْحَ ثَلاثٍ. [راجع: ٤٧٦]

(5) CHAPTER. Employing labourers for services in holy battles.

(٥) **بابُ** الأَجِيرِ فِي الغَزْوِ

2265. Narrated Ya'lā bin Umaiyya رَضِيَ اللهُ عَنْهُ : I fought in *Jaish-al-'Usra* (*Ghazwa* of Tabūk) along with the Prophet ﷺ and in my opinion that was the best of my deeds. At that time I had an employee who quarrelled with someone, and one of them bit and cut the other's finger and caused his own tooth to fall out. He, then, went to the Prophet ﷺ (with a complaint) but the Prophet ﷺ cancelled the suit and said to the complainant, "Did you expect him to let his finger in your mouth so that you might snap and cut it as does a stallion camel?"

٢٢٦٥ - حدَّثَني يَعْقُوبُ بنُ إِبْراهِيمَ: حدَّثَنا إِسْماعِيلُ بنُ عُلَيَّةَ: أَخْبَرنا ابنُ جُرَيْجٍ قالَ: أَخْبَرَنِي عَطاءٌ، عَنْ صَفْوانَ بنِ يَعْلَى، عَنْ يَعْلَى بنِ أُمَيَّةَ رَضِيَ اللهُ عَنْهُ قالَ: غَزَوْتُ مَعَ النَّبِيِّ ﷺ جَيْشَ العُسْرَةِ فَكانَ مِنْ أَوْثَقِ أَعْمالِي فِي نَفْسِي. فَكانَ لِي أَجِيرٌ فَقاتَلَ إِنْساناً. فَعَضَّ أَحَدُهُما إِصْبَعَ صاحِبِهِ. فانْتزَعَ إِصْبَعَهُ فأَنْدَرَ ثَنِيَّتَهُ فَسَقَطَتْ. فانْطَلَقَ إِلى النَّبِيِّ ﷺ فأَهْدَرَ ثَنِيَّتَهُ، وقالَ: «أَفَيدَعُ إِصْبَعَهُ فِي فِيكَ تَقْضَمُها؟» قالَ:

أَحْسِبُهُ قالَ: «كَما يَقْضَمُ الفَحْلُ».

[راجع: ١٨٤٧]

2266. Narrated Ibn Juraij from 'Abdullāh bin Abū Mulaika from his grandfather a similar story: A man bit the hand of another man and caused his own tooth to fall out, but Abū Bakr رَضِيَ اللهُ عَنْهُ judged that he had no right for compensation (for the broken tooth).

٢٢٦٦ - قالَ ابنُ جُرَيْجٍ: وحدَّثني عَبْدُ اللهِ بنُ أَبي مُلَيْكَةَ، عَنْ جَدِّهِ بِمِثْلِ هذِهِ الصِّفَةِ: أنَّ رَجُلاً عَضَّ يَدَ رَجُلٍ فَأَنْدَرَ ثَنِيَّتَهُ فأَهْدَرَها أَبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ.

(6) CHAPTER. If somebody employs someone and tells him the period for which he is employed, is it permissible for him not to tell him the nature of the work?

(It is permissible, if he takes into consideration Allāh's Statement): He said: "I intend to wed one of these two daughters of mine to you... (till the end of the Verse) '...Allāh is a Surety over what we say..." (V.28: 27, 28)

(٦) بابٌ إذَا اسْتَأْجَرَ أَجِيراً فَبَيَّنَ لَهُ الأَجَلَ ولَمْ يُبَيِّنِ العَمَلَ لِقَوْلِهِ: ﴿إِنِّىٓ أُرِيدُ أَنْ أُنكِحَكَ إِحْدَى ٱبْنَتَىَّ هَٰتَيْنِ﴾ إلى قَوْلِهِ: ﴿وَٱللَّهُ عَلَىٰ مَا نَقُولُ وَكِيلٌ﴾ [القصص: ٢٧-٢٨] يَأْجُرُ فُلاناً: يُعْطِيهِ أجْراً، ومِنْهُ في التَّعْزِيَةِ: آجَرَكَ اللهُ.

(7) CHAPTER. It is permissible for one to employ someone to repair a wall which is about to collapse.

2267. Narrated Ubai bin Ka'b رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Both of them [Mūsa (Moses) and Al-Khiḍr] proceeded on till they reached a wall which was about to fall." Sa'īd said, "(Al-Khiḍr pointed) with his hands (towards the wall) and then raised his hands and the wall became straightened up." Ya'lā said, "I think Sa'īd said, 'He (Khiḍr) passed his hand over it and it was straightened up.' (Mūsa said to him), "If you had wanted you could have taken wages for it." Sa'īd said, "Wages with which to buy food."

(٧) بابٌ إذَا اسْتَأْجَرَ أَجِيراً عَلى أَنْ يُقِيمَ حائِطاً يُرِيدُ أَنْ يَنْقَضَّ جازَ

٢٢٦٧ - **حَدَّثَني** إبْرَاهِيمُ بنُ مُوسَى: أَخْبَرنا هِشامُ بنُ يُوسُفَ: أَنَّ ابنَ جُرَيْجٍ أَخْبَرَهُمْ قالَ: أَخْبَرَني يَعْلى بنُ مُسْلِمٍ وعَمْرُو بنُ دِينارٍ: عَنْ سَعِيدِ بنِ جُبَيْرٍ، يَزِيدُ أَحَدُهُما عَلى صَاحِبِهِ، وغَيْرُهُما قالَ: قَدْ سَمِعْتُهُ يُحَدِّثُهُ عَنْ سَعِيدٍ، قالَ: قالَ لي ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: حدَّثَني أُبَيُّ بنُ كَعْبٍ قالَ: قالَ رَسُولُ اللهِ ﷺ: «﴿فَٱنطَلَقَا حَتَّىٰٓ إِذَآ أَتَيَآ أَهْلَ قَرْيَةٍ ٱسْتَطْعَمَآ أَهْلَهَا فَأَبَوْا۟ أَن يُضَيِّفُوهُمَا فَوَجَدَا فِيهَا جِدَارًا يُرِيدُ أَن يَنقَضَّ﴾

[الكهف:٧٧] - قالَ سَعِيدٌ: بِيَدِهِ هٰكَذا، ورَفَعَ يَدَهُ - فاسْتَقامَ». قالَ يَعْلى: حَسِبْتُ أَنَّ سَعِيداً قالَ: «فَمَسَحَهُ بِيَدِهِ فاسْتَقام ﴿لَوْ شِئْتَ لَتَّخَذْتَ عَلَيْهِ أَجْرًا﴾ [الكهف: ٧٧]» قالَ سَعِيدٌ: أَجْرٌ نَأْكُلُهُ. [راجع: ٧٤]

(8) CHAPTER. Employment up to midday.

(٨) بابُ الإِجارَةِ إلى نِصْفِ النَّهارِ

2268. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "Your example and the example of the people of the two Scriptures (i.e., Jews and Christians) is like the example of a man who employed some labourers and asked them, 'Who will work for me from morning till midday for one *Qirāṭ*?' The Jews accepted and carried out the work. He then asked, 'Who will work for me from midday up to the '*Ṣalāt-ul-Aṣr* for one *Qirāṭ*?' The Christians accepted and fulfilled the work. He then said, 'Who will work for me from the '*Aṣr* till sunset for two *Qirāṭ*?' You, Muslims have accepted the offer. The Jews and the Christians got angry and said, 'Why should we work more and get lesser wages?' (Allāh) said, 'Have I withheld part of your right?' They replied in the negative. He said, 'It is My Blessing, I bestow upon whomever I wish.'"

٢٢٦٨ - حَدَّثَنا سُلَيْمانُ بنُ حَرْبٍ: حدَّثَنا حَمَّادٌ، عَنْ أَيُّوبَ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ قالَ: «مَثَلُكُمْ ومَثَلُ أَهْلِ الكِتابَيْنِ كَمَثَلِ رَجُلٍ اسْتَأْجَرَ أُجَراءَ. فَقالَ: مَنْ يَعْمَلُ لي مِنْ غُدْوَةَ إلى نِصْفِ النَّهارِ على قِيراطٍ؟ فَعَمِلَتِ اليَهُودُ، ثُمَّ قالَ: مَنْ يَعْمَلُ لي مِنْ نِصْفِ النَّهارِ إلى صَلاةِ العَصْرِ على قِيراطٍ؟ فَعَمِلَتِ النَّصارَى. ثُمَّ قالَ: مَنْ يَعْمَلُ لي مِنَ العَصْرِ إلى أَنْ تَغِيبَ الشَّمْسُ عَلى قِيراطَينِ؟ فأَنْتُمْ هُمْ، فَغَضِبَتِ اليَهُودُ والنَّصارَى فَقالُوا: ما لَنا أَكْثَرَ عَمَلاً وأَقَلَّ عَطاءً؟ قالَ: هَلْ نَقَصْتُكُمْ مِنْ حَقِّكُمْ؟ قالُوا: لا، قالَ: فَذٰلِكَ فَضْلِي أُوتِيهِ مَنْ أَشاءُ». [راجع: ٥٥٧]

(9) CHAPTER. Employment up to the *Aṣr*.

(٩) بابُ الإِجارَةِ إلى صَلاةِ العَصْرِ

2269. Narrated 'Abdullah bin 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Your example and the example of Jews and Christians is like the example of a man who employed some labourers to whom

٢٢٦٩ - حَدَّثَنا إسْماعِيلُ بنُ أَبي أُوَيْسٍ قالَ: حدَّثَني مالِكٌ، عَنْ عَبْدِ اللهِ ابنِ دِينارٍ مَوْلى عَبْدِ اللهِ بنِ عُمَرَ،

عَنْ عَبْدِ اللهِ بنِ عُمَرَ بنِ الخطَّابِ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «إنَّما مَثَلُكُمْ واليهُودِ والنَّصارَى كَرَجُلٍ اسْتَعْمَلَ عُمَّالاً، فَقالَ: مَنْ يَعْمَلُ لي إلى نِصْفِ النَّهارِ على قِيرَاطٍ قِيرَاطٍ؟ فَعَمِلَتِ اليهُودُ على قِيرَاطٍ قِيرَاطٍ. ثُمَّ عَمِلَتِ النَّصارَى على قِيرَاطٍ قِيرَاطٍ. ثُمَّ أنتم الَّذِينَ تَعْمَلُونَ مِنْ صَلاةِ العَصْرِ إلى مَغارِبِ الشَّمْسِ عَلى قِيرَاطَينِ قِيرَاطَينِ. فَغَضِبَتَ اليهُودُ والنَّصارَى وقالُوا: نَحْنُ أَكْثَرُ عَمَلاً وأَقَلُّ عَطاءً، قالَ: هَلْ ظَلَمْتُكُمْ مِنْ حَقِّكُمْ شَيْئاً؟ قالُوا: لا، قالَ: فَذٰلِكَ فَضْلِي أُوتِيهِ مَنْ أَشاءُ». [راجع: ٥٥٧]

he said, 'Who will work for me up to midday for one *Qirāṭ* each?' The Jews carried out the work for one *Qirāṭ* each; and then the Christians carried out the work up to the *Asr* for one *Qirāṭ* each; and now you Muslims are working from the *Asr* up to sunset for two *Qirāṭ* each. The Jews and Christians got angry and said, 'We work more and are paid less.' The employer (Allāh) asked them, 'Have I usurped some of your right?' They replied in the negative. He (Allah) said, 'That is My Blessing, I bestow upon whomever I wish.'"

(١٠) بابُ إثْمِ مَنْ مَنَعَ أَجْرَ الأَجِيرِ

(10) CHAPTER. The sin of him who withholds the wages of the employee.

٢٢٧٠ - حَدَّثَنا يُوسُفُ بنُ مُحَمَّدٍ: حدَّثَني يَحيَى بنُ سُلَيمٍ، عَنْ إسْماعِيلَ بنِ أُمَيَّةَ، عَنْ سَعِيدِ بنِ أبي سَعِيدٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «قالَ اللهُ تعالى: ثَلاثَةٌ أنا خَصْمُهُمْ يَوْمَ القِيامَةِ: رَجُلٌ أَعْطى بي ثُمَّ غَدَرَ، وَرَجُلٌ باعَ حُراً فأكَلَ ثَمَنَهُ، وَرَجُلٌ اسْتَأجَرَ أجِيراً فاسْتَوفَى مِنْهُ ولَمْ يُعْطِهِ أجْرَهُ». [راجع: ٢٢٢٧]

2270. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Allāh said, 'I will be an opponent to three types of people on the Day of Resurrection:

1. One who makes a covenant in My Name, but proves treacherous;
2. One who sells a free person (as a slave) and eats his price; and
3. One who employs a labourer and takes full work from him but does not pay him for his labour.'"

(11) CHAPTER. Employment from *'Asr* till night.

(١١) بَابُ الإِجَارَةِ مِنَ العَصْرِ إِلَى اللَّيلِ

2271. Narrated Abū Mūsa رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "The example of Muslims, Jews and Christians is like the example of a man who employed labourers to work for him from morning till night for specific wages. They worked till midday and then said, 'We do not need your money which you have fixed for us and let whatever we have done be annulled.' The man said to them, 'Don't quit the work, but complete the rest of it and take your full wages.' But they refused and went away (like the Jews who refused to believe in the Message of Jesus عليه السلام). The man employed another batch after them and said to them, 'Complete the rest of the day and yours will be the wages I had fixed for the first batch.' So, they worked till the time of *'Asr*. Then they said, Let what we have done be annulled and keep the wages you have promised us for yourself. The man said to them 'Complete the rest of the work, as only a little of the day remains.' But they refused (like the Christians who refused to believe in the Message of Muhammad ﷺ). Thereafter he employed another batch to work for the rest of the day and they worked for the rest of the day till sunset, and they received the wages of the two former batches (like the Muslims). So, that was the example of this light [Islāmic Monotheism, the Qur'ān, the *Sunna* (legal ways of the Prophet ﷺ) and the (guidance) which Prophet Muhammad ﷺ brought] which they (Muslims) have accepted willingly".[1]

٢٢٧١ - حدَّثنا مُحَمَّدُ بنُ العَلاءِ: حدَّثنا أَبُو أُسَامَةَ، عَنْ بُرَيْدٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ أَنَّهُ قالَ: «مَثَلُ المُسْلِمِينَ واليَهُودِ والنَّصَارَى كَمَثَلِ رَجُلٍ اسْتَأْجَرَ قَوماً يَعْمَلُونَ لَهُ عَمَلاً يَوْماً إِلَى اللَّيْلِ عَلَى أَجرٍ مَعْلُومٍ، فَعَمِلُوا لَهُ إِلَى نِصْفِ النَّهارِ، فَقالُوا: لا حاجَةَ لَنا إِلَى أَجْرِكَ الَّذِي شَرَطْتَ لَنا وَمَا عمِلنَا باطِلٌ. فَقالَ لَهُمْ: لا تَفْعلُوا، أَكْمِلُوا بَقِيَّةَ عَمَلِكُمْ وخُذُوا أَجرَكُمْ كامِلاً، فأَبَوْا وتَرَكُوا. واسْتَأْجَرَ آخَرِينَ بَعْدَهُمْ، فَقالَ: أَكْمِلوا بَقِيَّةَ يَوْمِكُمْ هذا، ولَكُم الَّذِي شَرَطْتُ لَهُمْ منَ الأَجْرِ، فَعَمِلُوا حتَّى إِذَا كانَ حِينَ صَلاةِ العَصْرِ قالوا: لكَ مَا عَمِلْنَا باطِلٌ ولَكَ الأَجْرُ الَّذِي جَعَلْتَ لَنا فِيهِ. فَقالَ لَهُم: أَكْمِلوا بَقِيَّةَ عَمَلِكُم فإنَّ ما بَقِيَ مِنَ النَّهارِ شَيْءٌ يَسِيرٌ، فأَبَوا، فَاسْتَأْجَرَ قَوْماً أَنْ يَعْمَلُوا لَهُ بَقِيَّةَ يَوْمِهِمْ فَعَمِلُوا بَقِيَّةَ يَوْمِهِم حتَّى غابَتِ الشَّمْسُ واسْتَكْمَلُوا أَجْرَ الفَرِيقَينِ كِلَيْهِما،

(1) (H. 2271) The Jews refused to believe in the Message of 'Iesa (Jesus), so all their work was annulled; similarly, the Christians refused to accept the Message of Muḥammad ﷺ and thus their work was annulled too. Such people were not rewarded, because they refused to have true Faith for the rest of their lives and died as disbelievers. They should have believed in the latest Message; for their insistence on keeping their old=

فَذٰلِكَ مَثَلُهُمْ وَمَثَلُ مَا قَبِلُوا مِنْ هٰذَا النُّورِ». [راجع: ٥٥٨]

(12) CHAPTER. Whosoever employed a labourer (and after completing the work) the labourer left the wages and went away. The employer invested that money in some way and increased it thereby, or whoever invested somebody else's money in business and increased it thereby.

(١٢) **بابٌ** مَنِ اسْتَأْجَرَ أَجِيراً فَتَرَكَ أَجْرَهُ فَعَمِلَ فِيهِ المُسْتَأْجِرُ فَزَادَ. أَوْ مَنْ عَمِلَ فِي مَالِ غَيْرِهِ فَاسْتَفْضَلَ

2272. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: I heard Allāh's Messenger ﷺ saying, "Three men from among those who were before you, set out together till they reached a cave at night and entered it. A big rock rolled down the mountain and closed the mouth of the cave. They said (to each other), 'Nothing could save you from this rock but to invoke Allāh by giving reference to the righteous deed which you have done (for Allāh's sake only).' So, one of them said, 'O Allāh! I had old parents (whom I used to provide milk first) and I never provided my family (wife, children etc.) with milk before them. One day, by chance I was delayed, and I came late (at night) while they had slept. I milked the sheep for them and took the milk to them, but I found them sleeping. I disliked to provide my family with the milk before them. I waited for them and the bowl of milk was in my hand and I kept on waiting for them to get up till the day dawned. Then they got up and drank the milk. O Allāh! If I did that for Your sake only, please relieve us from our critical situation caused by this rock.' So, the rock shifted a little, but they could not get out."

٢٢٧٢ - حَدَّثَنَا أَبُو اليَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ: حدَّثَني سالِمُ بنُ عَبْدِ اللهِ: أَنَّ عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «انْطَلَقَ ثَلاثَةُ رَهْطٍ مِمَّنْ كانَ قَبْلَكُمْ حَتَّى أَوَوُا المَبِيتَ إلى غارٍ فَدَخَلُوهُ، فانْحَدَرَتْ صَخْرَةٌ مِنَ الجَبَلِ فَسَدَّتْ عَلَيهَا الغَارَ. فَقالُوا: إِنَّهُ لا يُنْجِيكُمْ مِنْ هذِهِ الصَّخْرَةِ إِلَّا أَنْ تَدْعُوا اللهَ بِصَالِحِ أَعْمالِكُمْ. فَقالَ رَجُلٌ مِنْهُمْ: اللَّهُمَّ كانَ لي أَبَوانِ شَيْخانِ كَبِيرَانِ، وكُنْتُ لا أَغْبِقُ قَبْلَهُما أَهْلاً ولا مالاً، فَنَأَى بِي في طَلَبِ شَيءٍ يَوْماً فَلَمْ أُرِحْ عَلَيْهِما حتَّى نَامَا فَحَلَبْتُ لهُما غَبُوقَهُما فَوَجَدتُهُما نَائِمَينِ. فَكَرِهْتُ أَنْ أَغْبِقَ قَبْلَهُما أَهْلاً أَوْ مالاً، فَلَبِثْتُ والقَدَحُ عَلى يَدَيَّ أَنْتَظِرُ اسْتِيقاظَهُما

=religion deprived them of the reward which they would have got for their previous good deeds achieved before the advent of the new religion. On the other hand, Muslims accepted and believed in all the three Messages and deserved a full reward for their complete surrender to Allāh. (*Al-Qasṭalānī*, Vol. 4)

حتَّى بَرَقَ الفَجْرُ فاسْتَيْقَظا فَشَرِبا غَبُوقَهُمَا. اللَّهُمَّ إنْ كُنْتُ فَعَلْتُ ذٰلكَ ابْتِغاءَ وَجْهِكَ فَفَرِّجْ عَنَّا مَا نَحْنُ فِيهِ مِنْ هذِهِ الصَّخْرَةِ، فانْفَرَجَتْ شَيْئاً لا يَسْتَطيعونَ الخُرُوجَ». قالَ النَّبيُّ ﷺ: «وقالَ الآخَرُ: اللَّهُمَّ كانَتْ لي بِنْتُ عَمٍّ كانَتْ أَحَبَّ النَّاسِ إليَّ فَأَرَدْتُها عَنْ نَفْسِها، فامْتَنَعَتْ مِنِّي حتَّى أَلَمَّتْ بِها سَنَةٌ منَ السِّنِينَ فَجاءَتْني فأَعْطَيْتُها عِشْرِينَ ومائَةَ دِينارٍ عَلى أَنْ تُخَلِّيَ بَيْني وبَيْنَ نَفْسِها فَفَعَلَتْ، حتَّى إذَا قَدَرْتُ عَلَيها قالَتْ: لا أُحِلُّ لكَ أَنْ تَفُضَّ الخاتَمَ إلَّا بِحَقِّهِ، فَتَحَرَّجْتُ مِنَ الوُقُوعِ عَلَيها فانْصَرَفْتُ عَنْها وَهِيَ أَحَبُّ النَّاسِ إليَّ وتَرَكْتُ الذَّهَبَ الَّذي أَعْطَيْتُها. اللَّهُمَّ إنْ كُنْتُ فَعَلْتُ ذٰلكَ ابْتِغاءَ وَجْهِكَ فافْرُجْ عَنَّا ما نَحْنُ فِيهِ، فانْفَرَجَتِ الصَّخْرَةُ غَيْرَ أَنَّهُمْ لا يَسْتَطيعونَ الخُرُوجَ مِنها». قالَ النَّبيُّ ﷺ: «وقالَ الثَّالِثُ: اللَّهُمَّ إنِّي اسْتَأْجَرْتُ أُجَراءَ فَأَعْطَيْتُهُمْ أَجْرَهُمْ غَيرَ رَجُلٍ واحِدٍ تَرَكَ الَّذي لَهُ وذَهَبَ فَثَمَّرْتُ أَجْرَهُ حتَّى كَثُرَتْ مِنْهُ الأَمْوالُ فَجاءَني بَعْدَ حِينٍ فَقالَ: يا عَبْدَ اللهِ، أَدِّ إليَّ أَجْري، فَقُلْتُ لَهُ: كُلُّ ما تَرى مِنْ أَجْلِكَ مِنَ الإِبِلِ والبَقَرِ والغَنَمِ والرَّقيقِ. فَقالَ: يا عَبْدَ اللهِ، لا تَسْتَهْزِئْ بِي، فَقُلْتُ: إنِّي لا

The Prophet ﷺ further said ,"The second man said, 'O Allāh! I had a cousin who was the dearest of all people to me and I wanted to have sexual intercourse with her but she refused. Later, she had a hard time in a year from amongst the famine years and she came to me and I gave her one hundred and twenty Dīnārs on the condition that she would not resist my desire, and she agreed. When I was about to fulfil my desire, she said: It is illegal for you to outrage my chastity except by legitimate marriage. So, I thought it a sin to have sexual intercourse with her and left her, though she was the dearest of all the people to me, and also I left the gold I had given her. O Allāh! If I did that for Your sake only, please relieve us from the present calamity.' So, the rock shifted a little more, but still they could not get out from there."

The Prophet ﷺ added, "Then the third man said, 'O Allāh! I employed few labourers and I paid them their wages with the exception of one man who did not take his wages and went away. I invested his wages and I got much property thereby. (Then after some time) he came and said to me: O Allāh's slave! Pay me my wages. I said to him: All the camels, cows, sheep and slaves you see, are yours. He said: O Allāh's slave! Don't mock at me. I said: I am not mocking at you. So, he took all the herd and drove them away and left nothing. O Allāh! If I did that for Your sake only, please relieve us from the present suffering.' So, that rock shifted completely and they got out walking."

أَسْتَهْزِئُ بِكَ، فأَخَذَهُ كُلَّهُ فاسْتَاقَهُ فَلَمْ يَتْرُكْ مِنْهُ شَيْئاً. اللَّهُمَّ فإنْ كُنْتُ فَعَلْتُ ذٰلكَ ابْتِغَاءَ وجْهِكَ فافْرُجْ عَنَّا ما نَحْنُ فِيهِ. فانْفَرَجَتِ الصَّخْرَةُ فَخَرَجُوا يَمْشُونَ». [راجع: ٢٢١٥]

(13) CHAPTER. One who employs himself to carry loads on his back and then gives in charity from his wages, and (what is said about) the wages of porters.

(١٣) بابُ مَنْ آجَرَ نَفْسَهُ لِيَحْمِلَ عَلى ظَهْرِهِ، ثُمَّ تَصَدَّقَ بهِ، وأَجْرِ الحَمَّالِ

2273. Narrated Abū Mas'ūd Al-Ansārī رَضِيَ الله عَنْهُ: Whenever Allāh's Messenger ﷺ ordered us to give in charity we would go to the market and work as porters to earn a *Mudd* (two hand-fulls) (of foodstuff), but now some of us have one hundred thousand Dirham or Dīnār. (The sub-narrator) Shaqīq said, "I think Abū Mas'ūd meant himself by saying (some of us)."

٢٢٧٣ - حَدَّثَني سَعِيدُ بنُ يَحْيَى بنِ سَعِيدٍ القرشي: حدَّثنا أَبِي: حدَّثنا الأَعْمَشُ، عَنْ شَقِيقٍ، عَنْ أَبِي مَسْعُودٍ الأَنْصَارِيِّ رَضِيَ اللهُ عَنْهُ قالَ: كانَ رَسُولُ اللهِ ﷺ إذَا أَمَرَنَا بالصَّدَقَةِ انْطَلَقَ أَحَدُنا إلى السُّوقِ فَيُحَامِلُ فَيُصِيبُ المُدَّ وَإِنَّ لِبَعْضِهِمْ لَمِائَةَ أَلْفٍ. قالَ: ما نَرَاهُ إلَّا نَفْسَهُ.

(14) CHAPTER. Wages of a broker.

(١٤) بابُ أَجْرِ السَّمْسَرَةِ

Ibn Sīrīn, 'Aṭā', Ibrāhīm and Al-Ḥasan did not see any harm in them. Ibn 'Abbās said, "There is no harm if one says (to a broker), 'Sell this garment for such a price and whatever more you get, is for you.'"

Ibn Sīrīn said, "If one says to a broker, 'Sell it for such a price and if you get more, the profit will be for you or divided between us,' there is no harm in it."

The Prophet ﷺ said, "Muslims should abide by their conditions."

ولَمْ يَرَ ابنُ سِيرِينَ وعَطاءٌ وإبْراهِيمُ والحَسَنُ بأَجْرِ السِّمسارِ بَأْساً. وقالَ ابنُ عَبَّاسٍ: لا بَأْسَ أَنْ يَقُولَ: بعْ هذَا الثَّوبَ، فَما زَادَ عَلى كَذَا وكَذَا فَهُوَ لكَ. وقالَ ابنُ سِيرِينَ: إذَا قالَ: بِعْهُ بِكَذَا فَما كَانَ مِنْ رِبْحٍ فَلَكَ أَوْ بَيْنِي وبَيْنَكَ؛ فَلا بَأْسَ بِهِ. وقالَ النَّبِيُّ ﷺ: «المُسْلِمُونَ عِنْدَ شُرُوطِهِمْ».

2274. Narrated Ṭāwūs: Ibn 'Abbās رَضِيَ الله عَنْهُما said, "The Prophet ﷺ forbade the meeting of caravans (on the way) and

٢٢٧٤ - حَدَّثَنا مُسَدَّدٌ: حدَّثنا عَبْدُ الوَاحِدِ: حدَّثنا مَعْمَرٌ، عَنِ ابنِ

ordained that no townsman is permitted to sell things on behalf of a bedouin." I asked Ibn 'Abbās, "What is the meaning of his saying, 'No townsman is permitted to sell things on behalf of a bedouin.'" He replied, "He should not work as a broker for him."

طاوُسٍ، عَنْ أَبِيهِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: نَهَى النَّبِيُّ ﷺ أَنْ يُتَلَقَّى الرُّكْبَانُ ولا يَبِيعُ حَاضِرٌ لِبادٍ، قُلْتُ: يا ابنَ عَبَّاسٍ، مَا قَوْلُهُ: «لا يَبِيعُ حاضِرٌ لِبادٍ»؟ قالَ: لا يَكُونُ لَهُ سِمْسَاراً. [راجع: ٢١٥٨]

(15) CHAPTER. Is it permissible for a Muslim to work as an employee for *Mushrikun* in a land of infidelity?

(١٥) بابٌ هَلْ يُؤاجِرُ الرَّجُلُ نَفْسَهُ مِنْ مُشْرِكٍ في أَرْضِ الحَرْبِ!

2275. Narrated Khabbāb رَضِيَ الله عَنْهُ: I was a blacksmith and did some work for Al-'Āṣ bin Wā'il. When he owed me some money for my work, I went to him to ask for that amount. He said, "I will not pay you unless you disbelieve in Muḥammad (ﷺ)." I said, "By Allāh! I will never do that till you die and be resurrected." He said, "Will I be dead and then resurrected after my death?" I said, "Yes." He said, "There I will have property and offspring and then I will pay you your due." Then Allāh تعالى revealed: "Have you seen him who disbelieved in Our "*Ayat*" (this Qur'ān and Muḥammad ﷺ) and said: I shall certainly be given wealth and children?" (V.19: 77)

٢٢٧٥ - حَدَّثَنا عُمَرُ بنُ حَفْصٍ: حدَّثَنا أَبِي: حدَّثَنا الأَعْمَشُ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ: حدَّثَنا خَبَّابٌ رَضِيَ اللهُ عَنْهُ قالَ: كُنْتُ رَجُلاً قَيناً فَعَمِلْتُ للعَاصِ بنِ وائِلٍ فاجْتَمَعَ لِي عِنْدَهُ فأَتَيْتُهُ أَتَقاضَاهُ فَقالَ: لا، واللهِ لا أَقْضِيكَ حتَّى تَكْفُرَ بِمُحَمَّدٍ، فَقُلْتُ: أَما واللهِ حتَّى تَمُوتَ ثُمَّ تُبْعَثَ، فلا، قالَ: وإِنِّي لَمَيِّتٌ ثُمَّ مَبْعُوثٌ؟ قُلْتُ: نَعَمْ، قالَ: فإِنَّهُ سَيَكُونُ لِي ثَمَّ مالٌ وَوَلَدٌ فأَقْضِيكَ، فأَنْزَلَ اللهُ تعالَى: ﴿أَفَرَءَيْتَ ٱلَّذِى كَفَرَ بِـَٔايَٰتِنَا وَقَالَ لَأُوتَيَنَّ مَالًا وَوَلَدًا ۝٧٧﴾ [مريم: ٧٧]. [راجع: ٢٠٩١]

(16) CHAPTER. What is paid for *Ruqya* (i.e., Divine Speech recited as a means of curing diseases) with *Sūrat Al-Fātiḥa*, when practised over an Arab tribe.

(١٦) بابُ مَا يُعْطِي فِي الرُّقْيَةِ عَلَى أَحْياءِ العَرَبِ بِفاتِحَةِ الكِتابِ

وقالَ ابنُ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ: «أَحَقُّ مَا أَخَذْتُمْ عَلَيْهِ أَجراً كِتَابُ اللهِ». وقالَ الشَّعْبِيُّ: لا يَشْتَرِطُ المُعَلِّمُ إِلَّا أَنْ يُعْطَى شَيْئاً فَلْيَقْبَلْهُ.

وقالَ الحَكَمُ: لَمْ أَسْمَع أَحداً كَرِهَ أَجْرَ المُعَلِّم. وأَعْطى الحَسَنُ دَراهِمَ عَشَرَةً. ولَم يَرَ ابنُ سِيرِينَ بأَجْرِ القَسَّام بأساً، وقالَ: كانَ يُقالُ: السُّحْتُ: الرِّشْوَةُ في الحُكْمِ وكانُوا يُعْطَونَ على الخَرْصِ.

٢٢٧٦ - **حَدَّثَنا** أَبُو النُّعمانِ: حدَّثَنا أَبُو عَوانَةَ، عَنْ أَبِي بِشْرٍ، عَنْ أَبِي المُتَوَكِّلِ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قالَ: انْطَلَقَ نَفَرٌ مِنْ أَصْحابِ النَّبِيِّ ﷺ في سَفْرَةٍ سافَرُوها حَتَّى نَزَلُوا عَلى حَيٍّ مِنْ أَحْياءِ العَرَبِ فاسْتَضافُوهُمْ فَأَبَوْا أَنْ يُضَيِّفُوهُمْ، فَلُدِغَ سَيِّدُ ذٰلِكَ الحَيِّ فَسَعَوْا لَهُ بِكُلِّ شَيْءٍ لا يَنْفَعُه شَيءٌ فَقالَ بَعْضُهُمْ: لَوْ أَتَيْتُمْ هٰؤُلاءِ الرَّهْطَ الَّذِينَ نَزَلُوا لَعَلَّهُ أَنْ يَكُونَ عِنْدَ بَعْضِهِمْ شَيْءٌ. فَأَتَوْهُمْ فَقالُوا: يا أَيُّها الرَّهْطُ إِنَّ سَيِّدَنا لُدِغَ وسَعَيْنا لَهُ بِكُلِّ شَيْءٍ لا يَنْفَعُهُ، فَهَلْ عِنْدَ أَحَدٍ مِنْكُمْ مِنْ شَيْءٍ؟ فَقالَ بَعْضُهُمْ: نَعَمْ، واللهِ إِنِّي لأَرْقِي ولٰكِنْ واللهِ لَقَدِ اسْتَضَفْناكُمْ فَلَمْ تُضَيِّفُونا، فَما أَنَا بِراقٍ لَكُمْ حَتَّى تَجْعَلُوا لَنا جُعْلاً. فَصالَحُوهُمْ عَلى قَطِيعٍ مِنَ الغَنَمِ. فانْطَلَقَ يَتْفِلُ عَلَيْهِ ويَقْرَأُ: ﴿ٱلْحَمْدُ لِلَّهِ رَبِّ ٱلْعَٰلَمِينَ ۝٢﴾ فَكَأَنَّما نُشِطَ مِنْ عِقالٍ فانْطَلَقَ يَمْشِي وما بِهِ قَلَبَةٌ. قالَ: فَأَوْفُوهُمْ جُعْلَهُمُ

2276. Narrated Abū Sa'īd رَضِيَ اللهُ عَنْهُ: Some of the Companions of the Prophet ﷺ went on a journey till they reached some of the Arab tribes (at night). They asked the latter to treat them as their guests but they refused. The chief of that tribe was then bitten by a snake (or stung by a scorpion) and they tried their best to cure him but in vain. Some of them said (to the others), "Nothing has benefited him, will you go to the people who resided here at night, it may be that some of them might possess something (as treatment)." They went to the group of the Companions (of the Prophet ﷺ) and said, "Our chief has been bitten by a snake (or stung by a scorpion) and we have tried everything but he has not benefited. Have you got anything (useful)?" One of them replied, "Yes, by Allāh! I can recite a *Ruqya*, but as you have refused to accept us as your guests, I will not recite the *Ruqya* for you unless you fix for us some wages for it." They agreed to pay them a flock of sheep. One of them then went and recited (*Sūrat Al-Fātiha*): All the praises and thanks be to Allāh, the Lord of the *'Alamin* (mankind, jinn and all that exists). And puffed over the chief who became all right as if he was released from a chain, and got up and started walking, showing no signs of sickness. They paid them what they agreed to pay. Some of them (i.e., the Companions) then suggested to divide their earnings among themselves,

but the one who performed the recitation said, "Do not divide them till we go to the Prophet ﷺ and narrate the whole story to him, and wait for his order." So, they went to Allāh's Messenger ﷺ and narrated the story. Allāh's Messenger ﷺ asked, "How did you come to know that *Sūrat Al-Fātiha* was recited as *Ruqya*?" Then he added, "You have done the right thing. Divide (what you have earned) and assign a share for me as well." The Prophet ﷺ smiled thereupon.

الَّذي صَالَحُوهُمْ عَلَيْهِ. فَقَالَ بَعْضُهُمْ: اقْسِمُوا، فَقالَ الَّذِي رَقي: لا تَفْعَلُوا حَتَّى نَأْتِيَ النَّبِيَّ ﷺ فَنَذْكُرَ لَهُ الَّذِي كانَ فَنَنْظُرَ مَا يَأْمُرُنَا. فَقَدِمُوا عَلَى رَسُولِ اللهِ ﷺ فَذَكَرُوا لَهُ فَقالَ: «ومَا يُدْرِيكَ أَنَّها رُقْيَةٌ؟» ثُمَّ قالَ: «قَدْ أَصَبْتُمْ، اقْسِمُوا واضْرِبُوا لي مَعَكُمْ سَهْماً». فَضَحِكَ النَّبِيُّ ﷺ. قالَ أَبُو عَبْدِ اللهِ: وقالَ شُعْبَةُ: حدَّثَنا أَبُو بِشْرٍ: سَمِعْتُ أَبا المُتَوَكِّلِ بِهٰذَا.

[انظر: ٥٠٠٧، ٥٧٣٦، ٥٧٤٩]

(17) CHAPTER. The taxes imposed on the slaves by their masters; and the leniency in imposing taxes on female slaves.

(١٧) بابُ ضَرِيبَةِ العَبْدِ وتَعَاهُدِ ضَرَائِبِ الإِمَاءِ

2277. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: When Abū Ṭaiba cupped the Prophet ﷺ and the Prophet ﷺ ordered that he be paid one or two *Ṣā'* of foodstuff and he interceded with his masters to reduce his taxes.

٢٢٧٧ - حَدَّثَنَا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا سُفْيانُ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ ابنِ مالِكٍ رَضِيَ اللهُ عَنْهُ قالَ: حَجَمَ أَبُو طَيْبَةَ النَّبِيَّ ﷺ فأَمَرَ لَهُ بِصَاعٍ أَوْ صَاعَيْنِ مِنْ طَعَامٍ، وكَلَّمَ مَوَالِيَهُ فَخَفَّفَ عَنْ غَلَّتِهِ أَوْ ضَرِيبَتِهِ. [راجع: ٢١٠٢]

(18) CHAPTER. The wages of one who has the profession of cupping.

(١٨) بابُ خَرَاجِ الحَجَّامِ

2278. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: When the Prophet ﷺ was cupped, he paid the man who cupped him his wages.

٢٢٧٨ - حَدَّثَنَا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثَنا وُهَيْبٌ: حدَّثَنا ابنُ طاوُسٍ: عَنْ أَبِيهِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: احْتَجَمَ النَّبِيُّ ﷺ وأَعْطَى الحَجَّامَ أَجْرَهُ.

[راجع: ١٨٣٥]

٢٢٧٩ - حَدَّثَنَا مُسَدَّدٌ: حدَّثنا يَزِيدُ ابنُ زُرَيْعٍ، عَنْ خَالِدٍ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ الله عَنْهُما قالَ: احْتَجَمَ النَّبيُّ ﷺ وأَعْطَى الحَجَّامَ أَجْرَهُ ولَوْ عَلِمَ كَرَاهِيَةً لَمْ يُعْطِهِ. [راجع: ١٨٣٥]

2279. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: When the Prophet ﷺ was cupped, he paid the man who cupped him his wages. If it had been undesirable he would not have paid him.

٢٢٨٠ - حَدَّثَنَا أَبُو نُعَيم: حدَّثنا مِسْعَرٌ، عَنْ عَمْرِو بنِ عامِرٍ قالَ: سَمِعْتُ أَنَساً رَضِيَ الله عَنْهُ يَقُولُ: كانَ النَّبيُّ ﷺ يَحْتَجِمُ ولَمْ يَكُنْ يَظْلِمُ أَحَداً أَجْرَهُ. [راجع: ٢١٠٢]

2280. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ used to get cupped and would never withhold the wages of any person.

(١٩) بابُ مَنْ كَلَّمَ مَوالِيَ العَبْدِ أَنْ يُخَفِّفُوا عَنْهُ مِنْ خَرَاجِهِ

(19) CHAPTER. Whoever appealed to the masters of a slave to reduce his taxes.

٢٢٨١ - حَدَّثَنَا آدَمُ: حدَّثنا شُعْبَةُ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بنِ مالِكٍ رَضِيَ الله عَنْهُ قالَ: دَعا النَّبيُّ ﷺ غُلاماً حَجَّاماً فَحَجَمَهُ وأَمَرَ لَهُ بِصَاعٍ أَوْ صَاعَيْنِ، أَوْ مُدٍّ أَوْ مُدَّيْنِ، وكَلَّمَ فِيهِ فَخُفِّفَ مِنْ ضَرِيبَتِهِ. [راجع: ٢١٠٢]

2281. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ sent for a slave who had the profession of cupping, and he cupped him. The Prophet ﷺ ordered that he be paid one or two *Ṣā'*, or one or two *Mudd* of foodstuff, and appealed to his masters to reduce his taxes.

(٢٠) بابُ كَسْبِ البَغِيِّ والإِماءِ

(20) CHAPTER. The earnings of prostitutes and female-slaves.

وكَرِهَ إِبْراهِيمُ أَجْرَ النَّائِحَةِ والمُغَنِّيَةِ. وقَوْلِ اللهِ تعالى: ﴿وَلَا تُكْرِهُوا۟ فَتَيَـٰتِكُمْ عَلَى ٱلْبِغَآءِ إِنْ أَرَدْنَ تَحَصُّنًا لِّتَبْتَغُوا۟ عَرَضَ ٱلْحَيَوٰةِ ٱلدُّنْيَا ۚ وَمَن يُكْرِههُّنَّ فَإِنَّ ٱللَّهَ مِنۢ بَعْدِ إِكْرَٰهِهِنَّ غَفُورٌ رَّحِيمٌ﴾ [النور: ٣٣]، وقَالَ مُجاهِد: فَتَيَاتِكُمْ: إِمَاءَكُمْ.

Ibrāhim hated the earnings of female wailers and female singers.

The Statement of Allāh تعالى: "...And force not your maids to prostitution, if they desire chastity, in order that you may make a gain in the (perishable) goods of this worldly life. But if anyone compels them (to prostitution) then after such compulsion, Allāh is Oft-Forgiving, Most Merciful (to those women i.e., He will forgive them

because they have been forced to do this evil action unwillingly)" (V.24:33).

٢٢٨٢ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ، عَنْ مَالِكٍ، عَنِ ابنِ شِهابٍ، عَنْ أَبِي بَكْرِ بنِ عَبْدِ الرَّحْمٰنِ بنِ الحَارِثِ بنِ هِشَامٍ، عَنْ أَبِي مَسْعُودٍ الأنْصَارِيِّ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ نَهى عَنْ ثَمَنِ الكَلْبِ، ومَهْرِ البَغِيِّ، وحُلْوَانِ الكَاهِنِ. [راجع: ٢٢٣٧]

2282. Narrated Abū Mas'ūd Al-Anṣārī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ prohibited (from taking) the price of a dog, the earnings of a prostitute, and the charges taken by a sooth-sayer.

٢٢٨٣ - حَدَّثَنَا مُسْلِمُ بنُ إبْراهِيمَ: حدَّثَنا شُعْبَةُ، عَنْ مُحَمَّدِ بنِ جُحادَةَ، عَنْ أَبِي حازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: نَهى النَّبِيُّ ﷺ عَنْ كَسْبِ الإِماءِ. [انظر: ٥٣٤٨]

2283. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ prohibited the earnings of slave-girls (through prostitution).

(٢١) بابُ عَسْبِ الفَحْلِ

(21) CHAPTER. (Charging for) the semen of a male animal, (i.e., copulation of animals).

٢٢٨٤ - حَدَّثَنَا مُسَدَّدٌ: حدَّثَنا عَبْدُ الوَارِثِ وإِسْمَاعِيلُ بنُ إبْرَاهِيمَ، عَنْ عَلِيِّ ابنِ الحَكَمِ، عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: نَهى النَّبِيُّ ﷺ عَنْ عَسْبِ الفَحْلِ.

2284. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ forbade taking a price for animal copulation.

(٢٢) بابٌ إِذَا اسْتَأجَرَ أَرْضاً فَماتَ أَحَدُهمَا

(22) CHAPTER. If somebody rents land and he or the owner of the land dies (will the contract be cancelled)?

وقالَ ابنُ سِيرِينَ: لَيْسَ لأَهْلِهِ أَنْ يُخْرِجُوهُ إلى تَمامِ الأَجَلِ. وقالَ الحَكَمُ والحَسَنُ وإيَاسُ بنُ مُعَاوِيَةَ: تُمْضَى الإِجَارَةُ إِلى أَجَلِها. وقالَ ابنُ عُمَرَ: أَعْطَى النَّبِيُّ ﷺ خَيْبَرَ بالشَّطْرِ،

According to Ibn Sīrīn the inheritors have no right to expel the tenant before the term of the contract has elapsed.

Al-Ḥakam, Al-Ḥasan and Ayās bin Mu'āwīya said, "The contract remains valid till the end of the term."

Ibn 'Umar said, "The Prophet ﷺ rented the land of Khaibar on the terms that half the

فَكانَ ذٰلكَ عَلى عَهْدِ النَّبيِّ ﷺ وأَبي بَكْرٍ وصَدْراً مِنْ خِلافَةِ عُمَرَ. ولَمْ يُذْكَرْ أَنَّ أَبا بَكْرٍ جَدَّدَ الإِجَارَةَ بَعْدَ مَا قُبِضَ النَّبيُّ ﷺ.

yield would be his share. That contract continued during the lifetime of the Prophet ﷺ, Abū Bakr, and the early part of 'Umar's caliphate." It was not mentioned that Abū Bakr renewed the contract after the death of the Prophet ﷺ.

٢٢٨٥ - حَدَّثَنا مُوسَى بنُ إسْماعِيلَ: حدَّثنا جُوَيْرِيَةُ بنُ أَسْمَاءَ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: أَعْطَى رَسُولُ اللهِ ﷺ خَيْبَرَ اليهود أَنْ يَعْمَلُوهَا ويَزْرَعُوهَا ولَهُمْ شَطْرُ ما يَخْرُجُ مِنْها. وأَنَّ ابنَ عُمَرَ حَدَّثَهُ أَنَّ المَزَارِعَ كانَتْ تُكْرَى عَلى شَيْءٍ سَمَّاهُ نَافِعٌ لا أَحْفَظُه. [انظر: ٢٣٢٨، ٢٣٢٩، ٢٣٣١، ٢٣٣٨، ٢٤٩٩، ٢٧٢٠، ٣١٥٢، ٤٢٤٨]

2285. Narrated Abdullāh bin Umar رَضِيَ الله عَنْهُما: "Allāh's Messenger ﷺ gave the land of Khaibar to the Jews to work on it and cultivate it and take half of its yield." Ibn Umar added, "The land used to be rented for a certain portion (of its yield)." Nāfi' mentioned the amount of the portion but I forgot it.

٢٢٨٦ - وأَنَّ رَافِعَ بنَ خَدِيجٍ حَدَّثَ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ كِرَاءِ المَزَارِعِ.

2286. Rāfi' bin Khadīj said, "The Prophet ﷺ forbade renting farms."

وقالَ عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ: حتَّى أَجْلاهُمْ عُمَرُ. [انظر: ٢٣٣٢، ٢٣٤٤، ٢٧٢٢]

Narrated 'Ubaidullāh, Nāfi' said: Ibn 'Umar said: (The contract of Khaibar continued) till 'Umar evacuated the Jews (from Khaibar).

38 - THE BOOK OF *AL-ḤAWĀLAT*

٣٨ - كتاب الحوالاتِ

(1) CHAPTER. ***Al-Ḥawāla*** **(the transference of a debt from one person to another. It is an agreement whereby a debtor is released from a debt by another becoming responsible for it).**
Can *Ḥawāla* be rejected by the creditors after accepting it?

(١) **بابُ** الحَوَالة، وهَلْ يَرْجِعُ في الحَوَالَةِ؟

Al-Ḥasan and Qatāda said, "If the transferee was rich when the debt was transferred, the agreement is final and irrevocable by the creditor."

Ibn 'Abbās said, "When two partners disassociate and one of them accepts assets while the other accepts debts as a part of his share, if the debts could not be collected (because of the death of the debtor, his bankruptcy, or his denial of the debt, etc.), the one who has accepted the debts would have no right to demand any compensation from his partner." This is applied also in setting the affairs of inheritors.

وقالَ الحَسَنُ وقَتَادَةُ: إِذَا كَانَ يَوْمَ أَحَالَ عَلَيْهِ مَلِيًّا جازَ. وقالَ ابنُ عَبَّاسٍ: يَتَخَارَجُ الشَّرِيكانِ وأَهْلُ المِيرَاثِ فَيَأْخُذُ هٰذَا عَيْناً وهٰذَا دَيْناً، فإِنْ تَوِيَ لأَحَدِهما لَمْ يَرْجِعْ عَلى صَاحِبِهِ.

2287. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Procrastination (delay) in paying debts by a wealthy man is injustice. So, if your debt is transferred from your debtor to a rich debtor, you should agree."(1)

٢٢٨٧ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «مَطْلُ الغَنِيِّ ظُلْمٌ، فإِذَا أُتْبِعَ أَحَدُكُمْ عَلى مَلِيٍّ فَلْيَتَّبِعْ». [انظر: ٢٢٨٨، ٢٤٠٠]

(2) CHAPTER. If somebody's debt are transferred to a rich debtor, the *Ḥawāla*

(٢) **بابٌ**: إِنْ أَحَالَ دَيْنَ المَيِّتِ على

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(1) (H. 2287) As the postponement of paying debts by a rich person is injustice, one should accept *Ḥawāla* upon that man, for one may be better able to collect the debt from the rich man than the transferor. Thus, by accepting the *Ḥawāla* one helps the rich man to avoid injustice. (*Fatḥ Al-Bārī*).

is irrevocable...

رَجُلٍ جَازَ وإذا أَحالَ على مَلِيءٍ فَلَيْسَ لَهُ رَدٌّ

2288. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Procrastination (delay) in paying debts by a wealthy person is injustice. So, if your debts is transferred from your debtor to a rich debtor, you should agree."

٢٢٨٨ - حَدَّثَنَا مُحَمَّدُ بنُ يُوسُفَ: حدَّثنا سُفْيانُ، عَنِ ابنِ ذَكْوانَ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «مَطْلُ الغَنِيِّ ظُلْمٌ. ومَنْ أُتْبِعَ عَلى مَلِيءٍ فَلْيَتَّبِعْ». [راجع: ٢٢٨٧]

(3) CHAPTER. If the debts due on a dead person are transferred to somebody, the transference is legal and valid.

(٣) بابٌ إذا أَحالَ دَيْنَ المَيِّتِ عَلى رَجُلٍ جازَ

2289. Narrated Salama bin Al-Akwa' رَضِيَ اللهُ عَنْهُ: Once, while we were sitting in the company of Prophet ﷺ, a dead body was brought. The Prophet ﷺ was requested to lead the funeral *Ṣalāt* (prayer) for the deceased. He said, "Is he in debt?" The people replied in the negative. He said, "Has he left any wealth?" They said, "No." So, he led his funeral prayer. Another dead person was brought and the people said,"O Allāh's Messenger! Lead his funeral *Ṣalāt* (prayer)." The Prophet ﷺ said, "Is he in debt?" They said, "Yes." He said, "Has he left any wealth?" They said, "Three Dīnār." So, he led the funeral prayer. Then a third dead person was brought and the people said (to the Prophet ﷺ), "Please lead his funeral *Ṣalāt* (prayer)." He said, "Has he left any wealth?" They said,"No." He asked, "Is he in debt?" They said, ("Yes! He has to pay) three Dīnār." He [refused to offer funeral *Ṣalāt* (prayer) and] said, "Then offer *Ṣalāt* (prayer) for your (dead) companion." Abū Qatāda said, "O Allāh's Messenger! Lead his funeral prayer, and I will pay his debt." So, he led the *Ṣalāt* (prayer).

٢٢٨٩ - حَدَّثَنَا المَكِّيُّ بنُ إبْراهِيمَ: حدَّثنا يَزِيدُ بنُ أَبِي عُبَيْدٍ، عَنْ سَلَمَةَ بنِ الأَكْوَعِ رَضِيَ اللهُ عَنْهُ قالَ: كُنَّا جُلُوساً عِنْدَ النَّبِيِّ ﷺ إِذْ أُتِيَ بِجَنازَةٍ فَقالُوا: صَلِّ عَلَيها، فَقالَ: «هَلْ عَلَيْهِ دَيْنٌ؟» قالُوا: لا، قالَ: «فَهَلْ تَرَكَ شَيْئاً؟» قالُوا: لا، فَصَلَّى عَلَيْهِ. ثُمَّ أُتِيَ بِجَنازَةٍ أُخْرَى فَقالُوا: يا رَسُولَ اللهِ، صَلِّ عَلَيْها. قالَ: «هَلْ عَلَيْهِ دَيْنٌ؟» قِيلَ: نَعَمْ، قالَ: «فَهَلْ تَرَكَ شَيْئاً؟» قالُوا: ثَلاثَةَ دَنانِيرَ، فَصَلَّى عَلَيْها. ثُمَّ أُتِيَ بالثَّالِثَةِ فَقالُوا: صَلِّ عَلَيْها. قالَ: «هَلْ تَرَكَ شَيْئاً؟» قالُوا: لا، قالَ: «فَهَلْ عَلَيْهِ دَيْنٌ؟» قالُوا: ثَلاثَةُ دَنانِيرَ، قالَ: «صَلُّوا عَلى صَاحِبِكُمْ». فَقالَ أَبُو قَتادَةَ: صَلِّ عَلَيْهِ يَا رَسُولَ اللهِ وعَلَيَّ دَيْنُهُ. فَصَلَّى عَلَيْهِ. [انظر: ٢٢٩٥]

39 – THE BOOK OF *AL-KAFĀLA*

٣٩ - كتاب الكفالة

(1) CHAPTER. ***Al-Kafāla*** **(i.e., the pledge given by somebody to the creditor to guarantee that the debtor will be present at a certain specific place to pay his debt or fine, or to undergo a punishment, etc.) in loans and debts with oneself or other things (e.g., one's money).**

(١) **بابُ** الكَفالَةِ في القَرْضِ، والدُّيُونِ بِالأَبْدَانِ وغَيرِها

2290. Narrated Muhammad bin 'Amr Al-Aslamī that his father Hamza said: 'Umar رَضِيَ اللهُ عَنْهُ sent him (i.e., Hamza) as a *Sadaqa/Zakāt* collector. A man had committed illegal sexual intercourse with the slave-girl of his wife. Hamza took (personal) sureties for the adulterer till they came to 'Umar. 'Umar had lashed the adulterer one hundred lashes. 'Umar confirmed their claim (that the adulterer had already been punished) and excused him because of being ignorant.[1]

Jarīr Al-Ash'ath said to Ibn Mas'ūd regarding renegades (i.e., those who became infidels after embracing Islām), "Let them repent and take (personal) sureties for them." They repented and their relatives stood sureties for them.[2].

٢٢٩٠ - وقالَ أَبُو الزِّنَادِ، عَنْ مُحَمَّدِ بنِ حَمْزَةَ بن عَمْرٍو الأَسْلَمِيِّ، عَنْ أَبِيهِ: أَنَّ عُمَرَ رَضِيَ اللهُ عَنْهُ بَعَثَهُ مُصَدِّقاً، فَوَقَعَ رَجُلٌ عَلى جَارِيَةِ امْرَأَتِهِ فأَخَذَ حَمْزَةُ مِنَ الرَّجُلِ كُفَلاءَ حتَّى قَدِمَ عَلى عُمَرَ وكانَ عُمَرُ قَدْ جَلَدَهُ مِائَةَ جَلْدَةٍ فَصَدَّقَهُمْ وَعَذَرَهُم بالجَهَالَةِ. وقالَ جَرِيرٌ والأَشْعَثُ لِعَبْدِ اللهِ بن مَسْعُودٍ في المُرْتَدِّينَ: اسْتَتِبْهُمْ وَكَفِّلْهُمْ فَتابُوا وكَفَلَهُمْ. عَشائِرُهُمْ. وقالَ حَمَّادٌ: إِذَا تَكَفَّلَ بِنَفْسٍ فَماتَ فَلا شَيْءَ عَلَيْهِ. وقالَ الحَكَمُ: يَضْمَنُ.

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(1) (H. 2290) This is an abridged version of a long story which goes: 'Umar sent Hamza to collect *Zakāt*. A man argued with his wife before Hamza. He told her to pay the *Zakāt* of the wealth of her slave-girl's son, while she told him to pay the *Zakāt* of his son's wealth. Hamza asked what the matter was. He was told that the man was the husband of that woman and that he had committed illegal sexual intercourse with her slave-girl who gave birth to a boy. The woman manumitted the boy who inherited the wealth from his mother.
On hearing the story, Hamza said to the man, "I will definitely stone you (in punishment of the crime)."
The people said, "The case had been taken to 'Umar (the caliph) who gave him one hundred lashes but did not sentence him to stoning." Somebody stood surety for the man. When Hamza came to 'Umar, 'Umar confirmed their claim and said that he had not stoned him, because he had committed illegal sexual intercourse ignorantly (i.e., he thought that it was legal for him to have sexual relation with his wife's slave-girl). (Ibid p. 374).

(2) (Ch. 2290) The story of the renegades was narrated by Häritha bin Madrab, who=

According to Hammād, if somebody stands surety for another person and that person dies, the person giving surety will be released from responsibility. According to Al-Ḥakam, his responsibility continues.

2291. Narrated Abū Hurairah رَضِيَ اللهُ عَنهُ: The Prophet ﷺ said, "An Israēlī man asked another Israēlī to lend him one thousand Dīnār. The second man required witnesses. The former replied, 'Allāh is sufficient as a witness.' The second said, 'I want a surety.' The former replied, 'Allāh is sufficient as a surety.' The second said, 'You are right,' and lent him the money for a certain period. The debtor went across the sea. When he finished his job, he searched for a conveyance so that he might reach in time for the repayment of the debt, but he could not find any. So, he took a piece of wood and made a hole in it, inserted in it one thousand Dīnār and a letter to the lender and then closed (i.e., sealed) the hole tightly. He took the piece of wood to the sea and said, 'O Allāh! You know well that I took a loan of one thousand Dīnār from so-and-so. He demanded a surety from me but I told him that Allāh's Guarantee was sufficient and he accepted Your Guarantee. He then asked for a witness and I told him that Allāh was sufficient as a witness. No doubt, I have tried hard to find a conveyance so that I could pay back his money but could not find, so I hand over this money to You.' Saying that, he threw the piece of wood into

٢٢٩١ - قَالَ أَبُو عَبْدِ اللهِ، وقَالَ اللَّيْثُ: حَدَّثَنِي جَعْفَرُ بنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ هُرْمُزَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ: «أَنَّهُ ذَكَرَ رَجُلاً مِنْ بَنِي إِسْرَائِيلَ سَأَلَ بَعْضَ بَنِي إِسْرَائِيلَ أَنْ يُسْلِفَهُ أَلْفَ دِينارٍ فَقالَ: ائْتِنِي بِالشُّهَدَاءِ أُشْهِدُهُمْ. فَقالَ: كَفَى باللهِ شَهِيداً قالَ: فَأْتِنِي بالكَفِيلِ قالَ: كَفَى باللهِ كَفِيلاً. قالَ: صَدَقْتَ، فَدَفَعَهَا إِلَيْهِ إِلى أَجَلٍ مُسَمًّى، فَخَرَجَ فِي البَحْرِ فَقَضَى حاجَتَهُ ثُمَّ الْتَمَسَ مَرْكَباً يَرْكَبُها يَقْدَمُ عَلَيْهِ للأَجَلِ الَّذِي أَجَّلَهُ فَلَمْ يَجِدْ مَرْكَباً، فَأَخَذَ خَشَبَةً فَنَقَرَها فَأَدْخَلَ فِيها أَلْفَ دِينَارٍ وصَحِيفَةً مِنْهُ إِلى صَاحِبِهِ ثُمَّ زَجَّجَ مَوْضِعَهَا ثُمَّ أَتَى بِها إِلى البَحْرِ فَقالَ: اللَّهُمَّ إِنَّكَ تَعْلَمُ أَنِّي كُنْتُ تَسَلَّفْتُ فُلاناً أَلْفَ دِينَارٍ فَسأَلَنِي كَفِيلاً فَقُلْتُ: كَفَى باللهِ كَفِيلاً

=said, "I offered the morning prayer with 'Abdullāh bin Mas'ūd. When the *Ṣalāt* (prayer) ended, a man got up and informed him that he had gone to the mosque of Banī Ḥanīfa and heard the *Mu'adhdhin* of 'Abdullāh bin An-Nawwāḥa saying, 'I testify that Musailama (the liar) is Allāh's Messenger."

Ibn Mas'ūd sent for Ibn An-Nawwāḥa and had put him to death. He then consulted his companions regarding Ibn An-Nawwāḥa's followers who were one hundred and seventy men. 'Adī bin Ḥātim suggested that they be killed. Jarīr and Al-Ash'ath got up and said, 'No, but let them repent and let their tribes stand sureties for them.' So, they repented and their tribes stood sureties for them." (Ibīd. p. 375)

فَرَضِيَ بِكَ، وسَأَلَنِي شَهِيداً فَقُلْتُ: كَفَى باللهِ شَهِيداً فَرَضِيَ بِذلِكَ. وإنِّي جَهَدْتُ أَنْ أَجِدَ مَرْكَباً أَبْعَثُ إلَيْهِ الَّذِي لَهُ فَلَمْ أَقْدِرْ. وإنِّي أَسْتَوْدِعُكَها، فَرَمَى بِها فِي البَحْرِ حتَّى وَلَجَتْ فِيهِ. ثُمَّ انْصَرَفَ، وهُوَ فِي ذلِكَ يَلْتَمِسُ مَرْكَباً يَخْرُجُ إلى بَلَدِهِ فَخَرَجَ الرَّجُلُ الذِّي كانَ أَسْلَفَهُ يَنْظُرُ لَعَلَّ مَرْكَباً قَدْ جاءَ بِمالِهِ فإذَا بالخَشَبَةِ الَّتي فِيها المَالُ، فَأَخَذَها لأهْلِهِ حَطَباً. فَلَمَّا نَشَرَها وَجَدَ المَالَ والصَّحِيفَةَ، ثُمَّ قَدِمَ الَّذِي كانَ أَسْلَفَهُ فأتى بالألْفِ دِينارٍ. فَقالَ: واللهِ مَا زِلْتُ جاهِداً فِي طَلَبِ مَرْكَبٍ لآتِيَكَ بِمَالِكَ فَما وَجَدْتُ مَرْكَباً قَبْلَ الَّذِي أَتَيْتُ فِيهِ قالَ: هَلْ كُنْتَ بَعَثْتَ إلَيَّ بِشَيْءٍ؟ قالَ: أُخْبِرُكَ أَنِّي لَمْ أَجِدْ مَرْكَباً قَبْلَ الَّذِي جِئْتُ فِيهِ. قالَ: فإنَّ اللهَ قَدْ أَدَّى عَنْكَ الَّذِي بَعَثْتَ الخَشَبَةَ وانْصَرِفْ بالألْفِ الدِّينارِ رَاشِداً».

[راجع: ١٤٩٨]

the sea till it went out far into it, and then he went away. Meanwhile he started searching for a conveyance in order to reach the creditor's country. One day the lender came out of his house to see whether a ship had arrived bringing his money, and all of a sudden he saw the piece of wood in which his money had been deposited. He took it home to use as fire-wood. When he sawed it, he found his money and the letter inside it. Shortly after that, the debtor came bringing one thousand Dīnār to him and said, 'By Allāh, I had been trying hard to get a boat so that I could bring you your money, but failed to get one before the one I have come by.' The lender asked, 'Have you sent something to me?' The debtor replied, 'I have told you I could not get a boat other than the one I have come by.' The lender said, 'Allāh has delivered on your behalf the money you sent in the piece of wood. So, you may keep your one thousand Dīnār and depart, guided on the right path'."

(٢) **بابُ قَوْلِ اللهِ عَزَّ وجَلَّ: ﴿وَالَّذِينَ عَقَدَتْ أَيْمَٰنُكُمْ فَـَٔاتُوهُمْ نَصِيبَهُمْ﴾** [النساء: ٣٣].

(2) CHAPTER. The Statement of Allāh جَلَّ جَلالُهُ: "...To those also with whom you have made a pledge (brotherhood), give them their due portion by *Wasīya* (wills)..." (V. 4:33)

٢٢٩٢ - حَدَّثَنا الصَّلْتُ بنُ مُحَمَّدٍ: حدَّثنا أَبُو أُسامَةَ، عَنْ إدْرِيسَ، عَنْ طَلْحَةَ بنِ مُصَرِّفٍ، عَنْ

2292. Narrated Sa'īd bin Jubair: Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا said, "In the Verse: 'And to everyone, We have appointed heirs of that (property)...' (4:33). (And regarding the Verse) 'And those with whom you have

made a pledge,' Ibn 'Abbās said, "When the emigrants came to the Prophet ﷺ in Al-Madīna, the emigrant would inherit the *Anṣāri*, while the latter's relatives would not inherit him because of the bond of brotherhood which the Prophet ﷺ established between them (i.e., the emigrants and the *Anṣār*). When the Verse: 'And to everyone We have appointed heirs' (V.4:33) was revealed, it cancelled [the bond (the pledge) of brotherhood regarding inheritance]." Then he said, "The verse: 'To those also with whom you have made a pledge (brotherhood)' remained valid regarding co-operation and mutual advice, while the matter of inheritance was excluded; and it became permissible to assign something in one's testament to the person who had had the right of inheriting before.

سَعِيدِ بنِ جُبَيْرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: ﴿وَلِكُلٍّ جَعَلْنَا مَوَالِيَ﴾ قالَ: وَرَثَةً ﴿وَالَّذِينَ عَقَدَتْ أَيْمَانُكُمْ﴾ قالَ: كانَ المُهاجِرُونَ لَمَّا قَدِمُوا عَلَى النَّبِيِّ ﷺ المَدِينَةَ وَرِثَ المُهاجِرُ الأنْصارِيَّ دُونَ ذَوِي رَحِمِهِ لِلأُخُوَّةِ الَّتِي آخَى النَّبِيُّ ﷺ بَيْنَهُمْ. فَلَمَّا نَزَلَتْ ﴿وَلِكُلٍّ جَعَلْنَا مَوَالِيَ﴾ نَسَخَتْ. ثُمَّ قالَ: ﴿وَالَّذِينَ عَقَدَتْ أَيْمَانُكُمْ﴾ إلَّا النَّصْرَ والرِّفَادَةَ والنَّصِيحَةَ. وقَدْ ذَهَبَ المِيرَاثُ ويُوصَى لَهُ. [انظر: ٤٥٨٠، ٦٧٤٧]

2293. Narrated Anas رَضِيَ اللهُ عَنْهُ: 'Abdur-Raḥmān bin 'Aūf came to us and Allāh's Messenger ﷺ established a bond of brotherhood between him and Sa'd bin Rabī'.

٢٢٩٣ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا إسْمَاعِيلُ بنُ جَعْفَرٍ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: قَدِمَ عَلَيْنا عَبْدُ الرَّحْمٰنِ بنُ عَوْفٍ فآخَى رَسُولُ اللهِ ﷺ بَيْنَهُ وبَيْنَ سَعْدِ بنِ الرَّبِيعِ. [راجع: ٢٠٤٩]

2294. Narrated 'Āṣim: I asked Anas bin Mālik (saying): "Have you been conveyed (or ever heard) that the Prophet ﷺ said, 'There is no alliance in Islām'?" He replied, "The Prophet ﷺ made alliance between Quraish and the *Anṣār* in my house."

٢٢٩٤ - حَدَّثَنا مُحَمَّدُ بنُ الصَّبَّاحِ: حدَّثَني إسْمَاعِيلُ بنُ زَكَرِيَّا: حدَّثَنا عاصِمٌ، قالَ: قُلْتُ لأنَسِ بنِ مَالِك: أَبَلَغَكَ أنَّ النَّبِيَّ ﷺ قالَ: «لا حِلْفَ فِي الإسْلامِ؟» فَقالَ: قَدْ حَالَفَ رَسُولُ اللهِ ﷺ بَيْنَ قُرَيْشٍ والأنْصَارِ فِي دَارِي. [انظر: ٦٠٨٣، ٧٣٤٠]

(3) CHAPTER. He who undertakes to repay the debts of a dead person has not the right to change his mind.

Al-Ḥasan said the same.

(٣) **بابٌ** مَنْ تَكَفَّلَ عَنْ مَيِّتٍ دَيناً فَلَيْسَ لَهُ أَنْ يَرْجِعَ

وبِهِ قالَ الحَسَنُ.

2295. Narrated Salama bin Al-Akwa' رَضِيَ اللهُ عَنْهُ: A dead person was brought to the Prophet ﷺ so that he might lead the funeral prayer for him. He asked, "Is he in debt?" When the people replied in the negative, he led the funeral prayer. Another dead person was brought and he asked, "Is he in debt?" They said, "Yes." He (refused to lead the prayer and) said, "Lead the prayer of your friend." Abū Qatāda said, "O Allāh's Messenger! I undertake to pay his debt." Allāh's Messenger ﷺ then led his funeral prayer.

٢٢٩٥ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ يَزِيدَ بنِ أَبِي عُبَيْدٍ، عَنْ سَلَمَةَ بنِ الأَكْوَعِ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ أُتِيَ بِجَنازَةٍ لِيُصَلِّيَ عَلَيْها فَقالَ: «هَلْ عَلَيْهِ مِنْ دَيْنٍ؟» فَقَالُوا: لا، فَصَلَّى عَلَيْهِ. ثُمَّ أُتِيَ بِجَنازَةٍ أُخْرى فَقالَ: «هَلْ عَلَيْهِ مِنْ دَيْنٍ؟» قالُوا: نَعَمْ، قالَ: «فَصَلُّوا عَلى صَاحِبِكُمْ». قالَ أَبُو قَتَادَةَ: عَلَيَّ دَيْنُهُ يا رَسُولَ اللهِ، فَصَلَّى عَلَيْهِ. [راجع: ٢٢٨٩]

2296. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: Once the Prophet ﷺ said (to me), "If the money of Baḥrain comes, I will give you so much and so much (a certain amount from it)." The Prophet ﷺ had breathed his last before the money of Baḥrain arrived. When the money of Baḥrain reached, Abū Bakr announced, "Whoever was promised by the Prophet ﷺ should come to us." I went to Abū Bakr and said, "The Prophet ﷺ promised me so-and-so." Abū Bakr gave me a handful of coins and asked me to count it. When I counted them, they were five hundred in number. Abū Bakr then said, "Take twice the amount you have taken (besides)."

٢٢٩٦ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حَدَّثَنا سُفْيانُ: حَدَّثَنا عَمْرٌو: سَمِعَ مُحَمَّدَ بنَ عَلِيٍّ، عَنْ جَابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُم قالَ: قالَ النَّبِيُّ ﷺ: «لَوْ قَدْ جاءَ مالُ البَحْرَيْنِ قَدْ أَعْطَيْتُكَ هٰكَذا وهٰكَذا» فَلَمْ يَجِئْ مالُ البَحْرَيْنِ حَتَّى قُبِضَ النَّبِيُّ ﷺ. فَلَمَّا جاءَ مالُ البَحْرَينِ أَمَرَ أَبُو بَكْرٍ فَنادَى: مَنْ كانَ لَهُ عِنْدَ النَّبِيِّ ﷺ عِدَةٌ أَوْ دَيْنٌ فَلْيَأْتِنا. فَأَتَيْتُهُ فَقُلْتُ: إِنَّ النَّبِيَّ ﷺ قالَ لي كَذا وكَذا، فَحَثَا لِي حَثْيَةً فَعَدَدْتُها فإِذَا هِيَ خَمْسُمِائَة وقالَ: خُذْ مِثْلَيْها. [انظر: ٢٥٩٨، ٢٦٨٣، ٣١٣٧، ٣١٦٤، ٤٣٨٣]

(4) CHAPTER. The pledge of protection given to Abū Bakr (by someone) during the

(٤) **بابُ** جِوَارِ أَبِي بَكْرٍ فِي عَهْدِ

lifetime of Allāh's Messenger ﷺ.

2297. Narrated 'Āishah رضي الله عنها, wife of the Prophet ﷺ : Since I reached the age when I could remember things, I have seen my parents worshipping according to the right faith of Islām. Not a single day passed but Allāh's Messenger ﷺ visited us, both in the morning and in the evening. When the Muslims were persecuted, Abū Bakr set out for Ethiopia as an emigrant. When he reached a place called Bark-al-Ghimād, he met Ibn Ad-Daghina, the chief of the Qāra tribe, who asked Abū Bakr, "Where are you going?" Abū Bakr said, "My people have turned me out of the country and I would like to tour the world and worship my Lord." Ibn Ad-Daghina said, "A man like you will not go out, nor will he be turned out as you help the poor earn their living, keep good relation with your kith and kin, help the disabled (or the dependents), provide guests with food and shelter, and help people during their troubles. I am your protector. So, go back and worship your Lord at your home." Ibn Ad-Daghina went along with Abū Bakr and took him to the chiefs of Quraish saying to them, "A man like Abū Bakr will not go out, nor will he be turned out. Do you turn out a man who helps the poor earn their living, keeps good relations with kith and kin, helps the disabled, provides guests with food and shelter, and helps the people during their troubles?" So, Quraish allowed Ibn Ad-Daghina's guarantee of protection and told Abū Bakr that he was secure, and said to Ibn Ad-Daghina, "Advise Abū Bakr to worship his Lord in his house and to offer prayer and read what he liked and not to hurt us and not to do these things publicly, for we fear that our sons and women may follow him." Ibn Ad-Daghina told Abū Bakr of all that. So, Abū Bakr continued worshipping his Lord in

رَسُولِ اللهِ ﷺ وعَقْدِهِ

٢٢٩٧ - حَدَّثَنَا يَحْيَى بنُ بُكَيْرٍ: حدَّثَنا اللَّيْثُ عَنْ عُقَيْلٍ: قالَ ابنُ شِهَابٍ: فأَخْبَرَنِي عُرْوَةُ بنُ الزُّبَيرِ: أَنَّ عائشَةَ رَضِيَ اللهُ عَنْها زَوْجَ النَّبِيِّ ﷺ قَالَتْ: لَمْ أَعْقِلْ أَبَوَيَّ إلَّا وهُما يَدِينانِ الدِّينَ. وقالَ أَبُو صَالِحٍ: حدَّثَني عَبْدُ اللهِ، عَنْ يُونُسَ، عَنِ الزُّهْرِيِّ قالَ: أَخْبَرَنِي عُرْوَةُ بنُ الزُّبَيْرِ: أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: لَمْ أَعْقِلْ أَبَوَيَّ قَطُّ إلَّا وهُمَا يَدِينانِ الدِّينَ، ولَمْ يَمُرَّ عَلَيْنَا يَومٌ إلَّا يَأتِينا فِيهِ رَسُولُ اللهِ ﷺ طَرَفَي النَّهارِ بُكْرَةً وعَشِيَّةً. فَلَمَّا ابْتُلِيَ المُسْلِمُونَ خَرَجَ أَبُو بَكْرٍ مُهاجِراً قِبَلَ الحَبَشَةِ حتَّى إذَا بَلَغَ بَرْكَ الغِمادِ لَقِيَهُ ابنُ الدَّغِنَةِ وهُوَ سَيِّدُ القارَةِ فَقالَ: أَيْنَ تُرِيدُ يا أَبَا بَكْرٍ؟ فَقالَ أَبُو بَكْرٍ: أَخْرَجَنِي قَومِي فَأَنا أُرِيدُ أَنْ أَسِيحَ في الأَرْضِ وأَعْبُدَ رَبِّي، قالَ ابنُ الدَّغِنَةِ: إنَّ مِثْلَكَ لا يَخْرُجُ ولا يُخْرَجُ، فإنَّكَ تَكْسِبُ المَعْدُومَ وتَصِلُ الرَّحِمَ، وتَحْمِلُ الكَلَّ، وتَقْرِي الضَّيْفَ، وتُعِينُ على نَوائِبِ الحَقِّ. وأَنا لكَ جارٌ فَارْجِعْ فاعْبُدْ رَبَّكَ بِبلادِكَ. فارْتَحَلَ ابنُ الدَّغِنَةِ فَرَجَعَ مَعَ أَبِي بَكْرٍ فَطَافَ فِي أَشْرَافِ كُفَّارِ قُرَيْشٍ فَقالَ لَهُمْ: إنَّ أَبَا بَكْرٍ لا

his house and did not offer *Ṣalāt* (prayer) or recite Qur'ān aloud except in his house. Later on Abū Bakr had an idea of building a mosque in the courtyard of his house. He fulfilled that idea and started offering *Ṣalāt* (prayer) and reciting Qur'ān there publicly. The women and the offspring of the *Mushrikun*[1] started gathering around him and looking at him in astonishment. Abū Bakr was a softhearted person and could not help weeping while reciting Qur'ān. This horrified the *Mushrik* chiefs of Quraish. They sent for Ibn Ad-Daghina and when he came, they said, "We have given Abū Bakr protection on condition that he will worship his Lord in his house, but he has transgressed that condition and has built a mosque in the courtyard of his house and offered his *Ṣalāt* and recited Qur'ān in public. We are afraid lest he mislead our women and offspring. So, go to him and tell him that if he wishes he can worship his Lord in his house only, and if not, then tell him to return your pledge of protection as we do not like to betray you by revoking your pledge, nor can we tolerate Abū Bakr's declaration of Islām (his worshipping) in public."

'Āishah added: Ibn Ad-Daghina came to Abū Bakr and said, "You know the conditions on which I gave you protection, so you should either abide by those conditions or revoke my protection, as I do not like to hear the Arabs saying that Ibn Ad-Daghina gave the pledge of protection to a person and his people did not respect it." Abū Bakr said, "I revoke your pledge of protection and am satisfied with Allāh's Protection." At that time Allāh's Messenger ﷺ was still in Makkah and he said to his Companions, "Your place of

يَخْرُجُ مِثْلُهُ ولا يُخْرَجُ. أَتُخْرِجُونَ رَجُلاً يَكْسِبُ المَعْدُومَ، ويَصِلُ الرَّحِمَ ويَحْمِلُ الكَلَّ، ويَقْرِي الضَّيْفَ، ويُعِينُ عَلى نَوَائِبِ الحَقِّ؟ فَأَنْفَذَتْ قُرَيْشٌ جِوَارَ ابنِ الدَّغِنَةِ وآمَنُوا أَبَا بَكْرٍ وقالُوا لابنِ الدَّغِنَةِ: مُرْ أَبَا بَكْرٍ فَلْيَعْبُدْ رَبَّهُ في دَارِه، فَلْيُصَلِّ، ولْيَقْرَأْ مَا شَاءَ، ولا يُؤْذِينَا بِذٰلِكَ، ولا يَسْتَعْلِنْ بِهِ فَإِنَّا قَدْ خَشِينَا أَنْ يَفْتِنَ أَبْنَاءَنا ونِسَاءَنا. قالَ ذٰلكَ ابنُ الدَّغِنَةِ لأَبِي بَكْرٍ، فَطَفِقَ أَبُو بَكْرٍ يَعْبُدُ رَبَّهُ في دَارِهِ، ولا يَسْتَعْلِنُ بِالصَّلاةِ، ولا القِرَاءَةِ في غَيْرِ دَارِهِ. ثُمَّ بَدَا لأَبِي بَكْرٍ فابْتَنَى مَسْجِداً بِفِنَاءِ دَارِهِ وبَرَزَ فَكَانَ يُصَلِّي فِيهِ ويَقْرَأُ القُرْآنَ، فَيَتَقَصَّفُ عَلَيْهِ نِسَاءُ المُشْرِكِينَ وأَبْنَاؤُهُمْ يَعْجَبُونَ ويَنْظُرُونَ إِلَيهِ. وكانَ أَبُو بَكْرٍ رَجُلاً بَكَّاءً لا يَمْلِكُ دَمْعَهُ حِينَ يَقْرَأُ القُرْآنَ، فَأَفْزَعَ ذٰلِكَ أَشْرَافَ قُرَيْشٍ مِنَ المُشْرِكِينَ، فَأَرْسَلُوا إِلى ابنِ الدَّغِنَةِ فَقَدِمَ عَلَيْهِمْ فَقالُوا لَهُ: إِنَّا كُنَّا أَجَرْنَا أَبَا بَكْرٍ عَلى أَنْ يَعْبُدَ رَبَّهُ في دَارِهِ، وإِنَّهُ جَاوَزَ ذٰلكَ فابْتَنَى مَسْجِداً بِفِنَاءِ دَارِهِ وأَعْلَنَ الصَّلاةَ والقِرَاءَةَ، وقَدْ خَشِينَا أَنْ يَفْتِنَ أَبْنَاءَنَا وَنِسَاءَنَا فَأْتِهِ، فإِنْ أَحَبَّ أَنْ يَقْتَصِرَ عَلى أَنْ يَعْبُدَ رَبَّهُ في دَارِهِ

(1) (H. 2297) *Al-Mushrikūn*: Polytheists, pagans, idolators, and disbelievers in the Oneness of Allāh and in His Messenger Muhammad (ﷺ)

emigration has been shown to me. I have seen salty land, planted with date-palms and situated between two mountains which are the two *Ḥarra*." So, when the Prophet ﷺ told it, some of the companions migrated to Al-Madīna, and some of those who had migrated to Ethiopia returned to Al-Madīna. When Abū Bakr prepared for emigration, Allāh's Messenger ﷺ said to him, "Wait, for I expect to be permitted to emigrate." Abū Bakr asked, "May my father be sacrificed for your sake, do you really expect that?" Allāh's Messenger ﷺ replied in the affirmative. So, Abū Bakr postponed his departure in order to accompany Allāh's Messenger ﷺ, and fed two camels which he had with the leaves of *Samur* trees for four months.

فَعَلَ، وإِنْ أَبى إِلَّا أَنْ يُعْلِنَ ذٰلِكَ فَسَلْهُ أَنْ يَرُدَّ إِلَيْكَ ذِمَّتَكَ فإِنَّا كَرِهْنا أَنْ نُخْفِرَكَ ولَسْنا مُقِرِّينَ لأَبِي بَكْرٍ الاسْتِعْلانَ. قالَتْ عائِشَةُ: فأَتى ابنُ الدَّغِنَةِ أَبا بَكْرٍ فَقالَ: قَدْ عَلِمْتَ الَّذي عَقدْتُ لكَ عَلَيْهِ، فإِمَّا أَنْ تَقْتَصِرَ عَلى ذلكَ، وإِمَّا أَنْ تَرُدَّ إِلَيَّ ذِمَّتي فإِنِّي لا أُحِبُّ أَنْ تَسْمَعَ العَرَبُ أَنِّي أُخْفِرْتُ فِي رَجُلٍ عَقَدْتُ لَهُ، قالَ أَبُو بَكْرٍ: فَإِنِّي أَرُدُّ إِلَيْكَ جِوارَكَ وأَرْضى بِجِوارِ اللهِ، وَرَسُولُ اللهِ ﷺ يَوْمَئِذٍ بِمَكَّةَ فَقالَ رَسُولُ اللهِ ﷺ: «قَدْ أُرِيتُ دارَ هِجْرَتِكُمْ، رَأَيْتُ سَبْخَةً ذاتَ نَخْلٍ بَيْنَ لابَتَيْنِ» وهُمَا الحَرَّتَانِ. فَهاجَرَ مَنْ هاجَرَ قِبَلَ المَدِينَةِ حِينَ ذَكَرَ ذٰلِكَ رَسُولُ اللهِ ﷺ، ورَجَعَ إِلى المَدِينَةِ بَعْضُ مَنْ كانَ هَاجَرَ إِلى أَرْضِ الحَبَشَةِ. وتَجَهَّزَ أَبُو بَكْرٍ مُهاجِراً فَقالَ لَهُ رَسُولُ اللهِ ﷺ: «عَلى رِسْلِكَ، فإِنِّي أَرْجُو أَنْ يُؤْذَنَ لِي»، قالَ أَبُو بَكْرٍ: هَلْ تَرْجُو ذٰلِكَ بِأَبِي أَنْتَ؟ قالَ: «نَعَمْ»، فَحَبَسَ أَبُو بَكْرٍ نَفْسَهُ عَلى رَسُولِ اللهِ ﷺ لِيَصْحَبَهُ وعَلَفَ راحِلَتَيْنِ كانَتا عِنْدَهُ وَرَقَ السَّمُرِ أَرْبَعَةَ أَشْهُرٍ. [راجع: ٤٧٦]

(5) CHAPTER. The debts.

(٥) بابُ الدَّيْنِ،

2298. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Whenever a dead man in debt was brought to Allāh's Messenger ﷺ (for funeral prayer) he

٢٢٩٨ - حَدَّثَنا يَحْيَى بنُ بُكَيْرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ

شِهابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ كانَ يُؤتى بالرَّجُلِ المُتَوَفَّى عَلَيْهِ الدَّيْنُ فَيَسْأَلُ: «هَلْ تَرَكَ لِدَيْنِهِ فَضْلاً؟» فَإِنْ حُدِّثَ أَنَّهُ تَرَكَ لِدَيْنِهِ وفَاءً صَلَّى وإِلَّا قالَ لِلْمُسْلِمِينَ: «صَلُّوا على صَاحِبِكُمْ». فَلَمَّا فَتَحَ اللهُ عَلَيْهِ الفُتُوحَ قالَ: «أَنَا أَوْلَى بالمُؤمِنِينَ مِنْ أَنْفُسِهِمْ، فَمَنْ تُوُفِّيَ مِنَ المُؤمِنِينَ فَتَرَكَ دَيْناً فَعَلَيَّ قَضاؤُهُ، ومَنْ تَرَكَ مالاً فَلِوَرَثَتِهِ». [انظر: ٢٣٩٨، ٢٣٩٩، ٤٧٨١، ٥٣٧١، ٦٧٣١، ٦٧٤٥، ٦٧٦٣]

would ask, "Has he left anything to repay his debt?" If he was informed that he had left something to repay his debts, he would offer his funeral prayer, otherwise he would tell the Muslims to offer their friend's funeral prayer. When Allāh made the Prophet ﷺ wealthy through conquests, he said, "I am more rightful than other believers to be the guardian of the believers, so if a Muslim dies while in debt, I am responsible for the repayment of his debt, and whoever leaves wealth (after his death) it will belong to his heirs."

40 - THE BOOK OF REPRESENTATION (OR AUTHORIZATION)

٤٠ - كتاب الوكالة

(1) CHAPTER. A partner can deputize for another while distributing things etc.

(١) بابُ وكَالَةُ الشَّرِيكِ الشَّرِيكَ في القِسْمَةِ وغَيْرِها

No doubt, the Prophet ﷺ shared his *Hady* (i.e., sacrificing animals) with 'Alī and then ordered 'Alī to distribute them.

وقَدْ أَشْرَكَ النَّبِيُّ ﷺ عَلِيًّا فِي هَدْيِهِ، ثُمَّ أَمَرَهُ بِقِسْمَتِها.

2299. Narrated 'Alī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ ordered me to distribute the saddles and skins of the *Budn* which I had slaughtered.

٢٢٩٩ - حَدَّثَنَا قَبِيصَةُ: حدَّثنا سُفْيانُ، عَنِ ابنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، عَنْ عَبْدِ الرَّحْمٰنِ بن أَبِي لَيْلَى عَنْ عَلِيٍّ رَضِيَ اللهُ عَنْهُ قالَ: «أَمَرَنِي رَسُولُ اللهِ ﷺ أَنْ أَتَصَدَّقَ بِجِلالِ البُدْنِ الَّتِي نُحِرَتْ وبِجُلُودِها». [راجع: ١٧٠٧]

2300. Narrated 'Uqba bin 'Āmir رَضِيَ اللهُ عَنْهُ that the Prophet ﷺ had given him sheep to distribute among his companions and a male kid was left (after the distribution). When he informed the Prophet ﷺ of it, he said (to him).,"Offer it as a sacrifice on your behalf."

٢٣٠٠ - حَدَّثَنَا عَمْرُو بنُ خَالِدٍ: حدَّثنا اللَّيْثُ، عَنْ يَزِيدَ، عَنْ أَبِي الخَيْرِ، عَنْ عُقْبَةَ بنِ عَامِرٍ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ أَعْطاهُ غَنَماً يَقْسِمُهَا عَلى صَحَابَتِهِ فَبَقِيَ عَتُودٌ فَذَكَرَهُ للنَّبِيِّ ﷺ فَقالَ: «ضَحِّ بِهِ أَنْتَ». [انظر: ٢٥٠٠، ٥٥٤٧، ٥٥٥٥]

(2) CHAPTER. If a Muslim deputizes a non-Muslim warrior in a country of infidelity or in a Muslim state, the contract is valid.

(٢) بابُ إِذَا وكَّلَ المُسْلِمُ حَرْبِيًّا فِي دَارِ الحَرْبِ أَوْ فِي دَارِ الإِسْلامِ جازَ

2301. Narrated 'Abdur-Raḥmān bin 'Auf رَضِيَ اللهُ عَنْهُ: I got an agreement written between me and Umaiyya bin Khalaf that Umaiyya would look after my property (or family) in Makkah and I would look after his in Al-Madīna. When I mentioned the word 'Ar-Raḥmān' in the documents Umaiyya said, "I do not know 'Ar-Raḥmān.' Write down to me your name, (with which you

٢٣٠١ - حَدَّثَنَا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ قالَ: حدَّثَني يُوسُفُ بنُ المَاجِشُونِ، عَنْ صَالِحِ ابنِ إِبْراهِيمَ بنِ عَبْدِ الرَّحْمٰنِ ابنِ عَوْفٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَبْدِ الرَّحْمٰنِ بنِ عَوْفٍ رَضِيَ اللهُ عَنْهُ قالَ: كاتَبْتُ أُمَيَّةَ بنَ

called yourself) in the Pre-Islāmic Period of Ignorance." So, I wrote my name "Abdu 'Amr'. On the day (of the battle) of Badr, when all the people went to sleep, I went up the hill to protect him. Bilāl[1] saw him (i.e., Umaiyya) and went to a gathering of *Anṣār* and said, "(Here is) Umaiyya bin Khalaf! 'I will not be saved if Umaiyya is saved'. (Woe to me if he escapes)!" So, a group of *Anṣār* went out with Billāl to follow us ('Abdur-Raḥmān and Umaiyya). Being afraid that they would catch us, I left Umaiyya's son for them to keep them busy but the *Anṣār* killed the son and insisted on following us. Umaiyya was a fat man, and when they approached us, I told him to kneel down, and he knelt, and I laid myself on him to protect him, but the *Anṣār* killed him by passing their swords underneath me, and one of them injured my foot with his sword. (The subnarrator said, "Abdur Raḥmān used to show us the trace of the wound on the back of his foot.")

خَلَفٍ كِتَاباً بِأَنْ يَحْفَظَنِي فِي صَاغِيَتِي بِمَكَّةَ، وأَحْفَظَهُ في صاغِيَتِه بالمَدِينة. فَلَمَّا ذَكَرْتُ الرَّحْمٰنَ قالَ: لا أَعْرِفُ الرَّحْمٰنَ، كاتِبْنِي باسْمِكَ الَّذِي كانَ في الجَاهِلِيَّةِ. فَكاتَبْتُهُ: عَبْدُ عَمْرٍو. فَلَمَّا كانَ في يَوْمِ بَدْرٍ خَرَجْتُ إلى جَبَلٍ لأُحْرِزَهُ حِينَ نامَ النَّاسُ، فأَبْصَرَهُ بِلالٌ فَخَرَجَ حَتَّى وَقَفَ عَلى مَجْلِسٍ مِنَ الأَنْصَارِ، فَقالَ: أُمَيَّةُ ابنُ خَلَفٍ لا نَجَوْتُ إِنْ نَجا أُمَيَّةُ، فَخَرَجَ مَعَهُ فَرِيقٌ مِنَ الأَنْصارِ في آثارِنا، فَلَمَّا خَشِيتُ أَنْ يَلْحَقُونا خَلَّفْتُ لَهُمُ ابْنَهُ لأَشْغَلَهُمْ فَقَتَلُوهُ ثُمَّ أَبَوا حَتَّى يَتْبَعُونا، وكانَ رَجُلاً ثَقِيلاً، فَلَمَّا أَدْرَكُونا قُلْتُ لَهُ: ابْرُكْ، فَبَرَكَ فأَلْقَيْتُ عَلَيْهِ نَفْسِي لأَمْنَعَهُ فَتَجَلَّلُوهُ بالسُّيُوفِ مِنْ تَحْتِي قَتَلُوهُ، وأَصابَ أَحَدُهُمْ رِجْلِي بِسَيْفِهِ. وكانَ عَبْدُ الرَّحْمٰنِ ابنُ عَوْفٍ يُرِينا ذلكَ الأَثَرَ في ظَهْرِ قَدَمِهِ

قَالَ أَبُو عبدِ اللهِ سَمِعَ يوسف صالحاً وابراهيم أَبَاهُ. [انظر: ٣٩٧١]

(3) CHAPTER. To deputize one in exchanging money and weighing goods.

(٣) بابُ الوَكالَةِ في الصَّرْفِ والمِيزانِ

'Umar and Ibn 'Umar deputized (a person) in money exchanges.

وقَدْ وَكَّلَ عُمَرُ وابنُ عُمَرَ في الصَّرْفِ.

2302, 2303. Narrated Abū Sa'īd Al-Khudrī and Abū Hurairah رَضِيَ اللهُ عَنْهُما:

٢٣٠٢، ٢٣٠٣ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ عَبْدِ

(1) (H. 2301) Umaiyya used to torture Bilāl severely when he was in Makkah because he had embraced Islām.

المَجِيدِ ابنِ سُهَيْلِ بنِ عَبْدِ الرَّحْمَنِ بنِ عَوْفٍ، عَنْ سَعِيدِ بنِ المُسَيَّبِ، عَنْ أَبِي سَعِيدٍ الخُدْرِيِّ وأَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ ﷺ اسْتَعْمَلَ رَجُلاً عَلى خَيْبَرَ فَجاءَهُمْ بِتَمْرٍ جَنِيبٍ فَقالَ: «أَكُلُّ تَمْرِ خَيْبَرَ هَكَذا؟» فَقالَ: إِنَّا لَنَأْخُذُ الصَّاعَ بِالصَّاعَيْنِ، والصَّاعَيْنِ بِالثَّلاثَةِ. فَقالَ: «لا تَفْعَلْ، بِعِ الجَمْعَ بِالدَّراهِمِ ثُمَّ ابْتَعْ بِالدَّراهِمِ جَنِيباً». وقالَ في المِيزانِ مِثْلَ ذٰلكَ.

[راجع: ٢٢٠١، ٢٢٠٢]

Allāh's Messenger ﷺ employed someone as a governor at Khaibar. When the man came to Al-Madīna, he brought with him dates called *Janīb*. The Prophet ﷺ asked him, "Are all the dates of Khaibar of this kind?" The man replied, "(No), we exchange two *Ṣā'* of bad dates for one *Ṣā'* of this kind of dates (i.e., *Janīb*), or exchange three *Ṣā'* for two." On that, the Prophet ﷺ said, "Don't do so, as it is a kind of *Ribā* (usury) but sell the dates of inferior quality for money, and then buy *Janīb* with the money." The Prophet ﷺ said the same thing about dates sold by weight.

[See *Hadīth* No.2312].

(٤) بابٌ إِذا أَبْصَرَ الرَّاعِي أَوِ الوَكِيلُ شاةً تَمُوتُ أَوْ شَيْئاً يَفْسُدُ ذَبَحَ أَوْ أَصْلَحَ ما يَخافُ عَلَيْهِ الفَسادَ

(4) CHAPTER. If a shepherd or a deputy saw a dying sheep or something which is going to be spoiled, he is allowed to slaughter the sheep and save the thing liable to be spoiled.

٢٣٠٤ - حَدَّثَنِي إِسْحاقُ بنُ إِبْراهِيمَ: سَمِعَ المُعْتَمِرَ: أَنْبَأَنا عُبَيْدُ اللهِ، عَنْ نافِعٍ: أَنَّهُ سَمِعَ ابنَ كَعْبِ بنِ مالِكٍ يُحَدِّثُ عَنْ أَبِيهِ أَنَّهُ كانَتْ لَهُ غَنَمٌ تَرْعَى بِسَلْعٍ. فَأَبْصَرَتْ جارِيَةٌ لَنا بِشاةٍ مِنْ غَنَمِنا مَوْتاً فَكَسَرَتْ حَجَراً فَذَبَحَتْها بِهِ فَقالَ لَهُمْ: لا تَأْكُلُوا حَتَّى أَسْأَلَ رَسُولَ اللهِ ﷺ أَوْ أُرْسِلَ إِلى النَّبِيِّ ﷺ مَنْ يَسْأَلُهُ. وأَنَّهُ سَأَلَ النَّبِيَّ ﷺ عَنْ ذاكَ أَوْ أَرْسَلَ فَأَمَرَهُ بِأَكْلِها. قالَ عُبَيْدُ اللهِ: فَيُعْجِبُنِي أَنَّها أَمَةٌ وأَنَّها ذَبَحَتْ، تابَعَهُ عَبْدَةُ عَنْ عُبَيْدِ اللهِ. [انظر: ٥٥٠١، ٥٥٠٢، ٥٥٠٤]

2304. Narrated Ka'b bin Mālik: We had some sheep which used to graze at *Sal'*. One of our slave-girls saw a sheep dying and she broke a stone and slaughtered the sheep with it. He (my father) said to them (the people), "Don't eat it till I ask the Prophet ﷺ about it (or till I send somebody to ask the Prophet ﷺ)." So, he asked or sent somebody to ask the Prophet ﷺ, and the Prophet ﷺ permitted them to eat it. 'Ubaidullāh (a subnarrator) said, "I admire that girl, for though she was a slave-girl, she dared to slaughter the sheep."

(5) CHAPTER. It is permissible to depute a person whether he is present or absent.

(٥) **بابٌ** وَكالَةُ الشَّاهِدِ والغائِبِ جائِزَةٌ،

'Ubaidullāh bin 'Amr wrote to his representative who was not present, to pay (*Ṣadaqat-al-Fiṭr*) on behalf of the children both young and old.

وكَتَبَ عَبْدُ اللهِ بنُ عَمْرٍو إلى قَهْرَمانِهِ وهُوَ غائِبٌ عَنْهُ أَنْ يُزَكِّيَ عَنْ أَهْلِهِ الصَّغِيرِ والكَبِيرِ.

2305. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ owed somebody a camel of a certain age. When he came to demand it back, the Prophet ﷺ said (to some people), "Give him (his due)." When the people searched for a camel of that age, they found none, but found a camel one year older. The Prophet ﷺ said, "Give (it to) him." On that, the man remarked, "You have given me my right in full. May Allāh give you in full." The Prophet ﷺ said, "The best amongst you is the one who pays the rights of others generously."

٢٣٠٥ - **حَدَّثَنا** أَبُو نُعَيْمٍ: حدَّثَنا سُفْيانُ، عَنْ سَلَمَةَ بنِ كُهَيْلٍ، عَنْ أَبي سَلَمَةَ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: كانَ لِرَجُلٍ عَلى النَّبيِّ ﷺ جَمَلٌ سِنٌّ مِنَ الإبِلِ فَجاءَهُ يَتَقاضاهُ فَقالَ: «أَعْطُوهُ»، فَطَلَبُوا سِنَّهُ فَلَمْ يَجِدُوا لَهُ إلَّا سِنًّا فَوْقَها. فَقالَ: «أَعْطُوهُ». فَقالَ: أَوْفَيْتَنِي أوفى اللهُ بِكَ. قالَ النَّبيُّ ﷺ: «إنَّ خِيارَكُمْ أَحْسَنُكُمْ قَضاءً». [انظر: ٢٣٠٦، ٢٣٩٠، ٢٣٩٢، ٢٣٩٣، ٢٤٠١، ٢٦٠٦، ٢٦٠٩]

(6) CHAPTER. To depute a person to repay debts.

(٦) **بابُ** الوَكالَةِ في قَضاءِ الدُّيُونِ

2306. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A man came to the Prophet ﷺ demanding his debts and behaved rudely. The Companions of the Prophet ﷺ intended to harm him, but Allāh's Messenger ﷺ said (to them), "Leave him, for the creditor (i.e., owner of a right) has the right to speak." Allāh's Messenger ﷺ then said, "Give him a camel of the same age as that of his." The people said, "O Allāh's Messenger! There is only a camel that is older and better than his." Allāh's Messenger ﷺ said, "Give (it to) him, for the best amongst you is he who pays the rights of others generously."

٢٣٠٦ - **حَدَّثَنا** سُلَيْمانُ بنُ حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ سَلَمَةَ بنِ كُهَيْلٍ قالَ: سَمِعْتُ أَبا سَلَمَةَ بنَ عَبْدِ الرَّحْمٰنِ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَجُلاً أَتَى النَّبيَّ ﷺ يَتَقاضاهُ فَأَغْلَظَ فَهَمَّ بِهِ أَصْحابُهُ، فَقالَ رَسُولُ اللهِ ﷺ: «دَعُوهُ فإنَّ لِصاحِبِ الحَقِّ مَقالاً»، ثُمَّ قالَ: «أَعْطُوهُ سِنًّا مِثْلَ سِنِّهِ»، قالُوا: يا رَسُولَ اللهِ إلَّا أَمْثَلَ مِنْ سِنِّهِ. فَقالَ: «أَعْطُوهُ، فإنَّ مِنْ

خَيْرُكُمْ أَحْسَنُكُمْ قَضَاءً».

[راجع: ٢٣٠٥]

(٧) بابٌ إِذَا وَهَبَ شَيْئاً لِوَكِيلٍ أَوْ شَفِيعِ قَوْمٍ جَازَ

لِقَوْلِ النَّبِيِّ ﷺ لِوَفْدِ هَوَازِنَ حِينَ سَأَلُوهُ الْمَغَانِمَ، فَقَالَ النَّبِيُّ ﷺ: «نَصِيبِي لَكُمْ».

٢٣٠٧، ٢٣٠٨ - حَدَّثَنَا سَعِيدُ بْنُ عُفَيْرٍ قَالَ: حَدَّثَنِي اللَّيْثُ قَالَ: حَدَّثَنِي عُقَيْلٌ، عَنِ ابْنِ شِهَابٍ قَالَ: وَزَعَمَ عُرْوَةُ أَنَّ مَرْوَانَ بْنَ الْحَكَمِ وَالْمِسْوَرَ بْنَ مَخْرَمَةَ أَخْبَرَاهُ أَنَّ رَسُولَ اللهِ ﷺ قَامَ حِينَ جَاءَهُ وَفْدُ هَوَازِنَ مُسْلِمِينَ. فَسَأَلُوهُ أَنْ يَرُدَّ إِلَيْهِمْ أَمْوَالَهُمْ وَسَبْيَهُمْ، فَقَالَ لَهُمْ رَسُولُ اللهِ ﷺ: «أَحَبُّ الْحَدِيثِ إِلَيَّ أَصْدَقُهُ فَاخْتَارُوا إِحْدَى الطَّائِفَتَيْنِ: إِمَّا السَّبْيَ وَإِمَّا الْمَالَ. فَقَدْ كُنْتُ اسْتَأْنَيْتُ بِهِمْ»، وَقَدْ كَانَ رَسُولُ اللهِ ﷺ انْتَظَرَهُمْ بِضْعَ عَشْرَةَ لَيْلَةً حِينَ قَفَلَ مِنَ الطَّائِفِ. فَلَمَّا تَبَيَّنَ لَهُمْ أَنَّ رَسُولَ اللهِ ﷺ غَيْرُ رَادٍّ إِلَيْهِمْ إِلَّا إِحْدَى الطَّائِفَتَيْنِ قَالُوا: فَإِنَّا نَخْتَارُ سَبْيَنَا. فَقَامَ رَسُولُ اللهِ ﷺ فِي الْمُسْلِمِينَ فَأَثْنَى عَلَى اللهِ بِمَا هُوَ أَهْلُهُ ثُمَّ قَالَ: «أَمَّا بَعْدُ، فَإِنَّ إِخْوَانَكُمْ هٰؤُلَاءِ قَدْ جَاؤُنَا تَائِبِينَ، وَإِنِّي قَدْ رَأَيْتُ أَنْ أَرُدَّ إِلَيْهِمْ سَبْيَهُمْ. فَمَنْ

(7) CHAPTER. It is permissible for one to give a gift to a deputy (of some people) or to their intercessor.

This is confirmed by the statement of the Prophet ﷺ to the delegates of the tribe of Hawāzin when they appealed to him to return the booty to them. The Prophet ﷺ said, "I give my share to you."

2307, 2308. Narrated Marwān bin Al-Ḥakam and Al-Miswar bin Makhrama: When the delegates of tne tribe of Hawāzin after embracing Islām, came to Allāh's Messenger ﷺ, he got up. They appealed to him to return their properties and their captives. Allāh's Messenger ﷺ said to them, "The most beloved statement to me is the true one. So, you have the option of restoring your properties or your captives, for I have delayed distributing them." (The narrator added), Allāh's Messenger ﷺ had been waiting for them for more than ten days on his return from Ṭāif. When they realized that Allāh's Messenger ﷺ would return to them only one of the two things, they said, "We choose our captives." So, Allāh's Messenger ﷺ got up in the gathering of the Muslims, praised Allāh as He deserved, and said, "Then after! These brothers of yours have come to you with repentance (asking for Allāh's Forgiveness) and I see it proper to return their captives to them. So, whoever amongst you likes to do that as a favour, then he can do it, and whoever of you wants to stick to his share till we pay him from the very first booty which Allāh will give us then he can do so." The people replied, "We agree to give up our shares willingly as a favour for Allāh's Messenger ﷺ." Then Allāh's

Messenger ﷺ said, "We don't know who amongst you has agreed and who has not. Go back and your chiefs may tell us your opinion." So, all of them returned and their chiefs discussed the matter with them and then they (i.e., their chiefs) came to Allāh's Messenger ﷺ to tell him that they (i.e., the people) had given up their shares gladly and willingly.

أَحَبَّ مِنْكُمْ أَنْ يُطَيِّبَ بِذٰلِكَ فَلْيَفْعَلْ، وَمَنْ أَحَبَّ مِنْكُمْ أَنْ يَكُونَ عَلَى حَظِّهِ حَتَّى نُعْطِيَهُ إِيَّاهُ مِنْ أَوَّلِ مَا يُفِيءُ اللهُ عَلَيْنَا فَلْيَفْعَلْ». فَقَالَ النَّاسُ: قَدْ طَيَّبْنَا ذٰلِكَ لِرَسُولِ اللهِ ﷺ، فَقَالَ رَسُولُ اللهِ ﷺ: «إِنَّا لَا نَدْرِي مَنْ أَذِنَ مِنْكُمْ فِي ذٰلِكَ مِمَّنْ لَمْ يَأْذَنْ، فَارْجِعُوا حَتَّى يَرْفَعُوا إِلَيْنَا عُرَفَاؤُكُمْ أَمْرَكُمْ»، فَرَجَعَ النَّاسُ فَكَلَّمَهُمْ عُرَفَاؤُهُمْ ثُمَّ رَجَعُوا إِلَى رَسُولِ اللهِ ﷺ فَأَخْبَرُوهُ أَنَّهُمْ قَدْ طَيَّبُوا وَأَذِنُوا. [الحديث: ٢٣٠٧، انظر: ٢٥٣٩، ٢٥٨٤ ٢٦٠٧، ٣١٣١، ٤٣١٨، ٧١٧٦]؛ [الحديث: ٢٣٠٨، انظر: ٢٥٤٠، ٢٥٨٣، ٢٦٠٨، ٣١٣٢، ٤٣١٩، ٧١٧٧]

(8) CHAPTER. If someone deputes a person to give something but does not mention how much to give, it is permissible for the deputy to distribute it amongst the people according to the conventional custom.

(٨) بَابٌ إِذَا وَكَّلَ رَجُلٌ رَجُلاً أَنْ يُعْطِيَ شَيْئاً وَلَمْ يُبَيِّنْ كَمْ يُعْطِي فَأَعْطَى عَلَى مَا يَتَعَارَفُهُ النَّاسُ

2309. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: I was accompanying the Prophet ﷺ on a journey and was riding a slow camel that was lagging behind the others. The Prophet ﷺ passed by me and asked, "Who is this?" I replied, "Jābir bin 'Abdullāh." He asked, "What is the matter, (why are you late)?" I replied, "I am riding a slow camel." He asked, "Do you have a stick?" I replied in the affirmative. He said, "Give it to me." When I gave it to him, he beat the camel and rebuked it. Then that camel surpassed the others thenceforth. The Prophet ﷺ said, "Sell it to me." I replied, "It is (a gift) for you, O Allāh's Messenger." He said, "Sell it

٢٣٠٩ - حَدَّثَنَا الْمَكِّيُّ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا ابْنُ جُرَيْجٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ وَغَيْرِهِ، يَزِيدُ بَعْضُهُمْ عَلَى بَعْضٍ، وَلَمْ يُبَلِّغْهُ كُلُّهُ، رَجُلٌ مِنْهُمْ، عَنْ جَابِرِ ابْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قَالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ فَكُنْتُ عَلَى جَمَلٍ ثَفَالٍ إِنَّمَا هُوَ فِي آخِرِ الْقَوْمِ، فَمَرَّ بِي النَّبِيُّ ﷺ فَقَالَ: «مَنْ هٰذَا؟» قُلْتُ: جَابِرُ ابْنُ عَبْدِ اللهِ: قَالَ: «مَا لَكَ؟» قُلْتُ:

to me. I have bought it for four *Dīnār* (gold pieces) and you can keep on riding it till Al-Madīna." When we approached Al-Madīna, I started going (towards my house). The Prophet ﷺ said, "Where are you going?" I said, "I have married a widow." He said, "Why have you not married a virgin so that you may play with her and she may play with you?" I said, "My father died and left daughters, so I decided to marry a widow (an experienced woman) (to look after them)." He said, "Well done." When we reached Al-Madīna, Allāh's Messenger ﷺ said, "O Bilāl, pay him (the price of the camel) and give him extra money." Bilāl gave me four Dīnār and one *Qirāṭ* extra. (A subnarrator said): Jābir added. "The extra *Qirāṭ* of Allāh's Messenger ﷺ never parted from me." The *Qirāṭ* was always in Jābir bin 'Abdullāh's purse.[1]

إنِّي عَلى جَمَلٍ ثَفالٍ، قالَ: «أَمعَكَ قَضِيبٌ؟» قُلْتُ: نَعَمْ، قالَ: «أعْطِنِيهِ»، فأَعْطَيْتُهُ فَضَرَبَهُ فَزَجَرَهُ فَكانَ مِنْ ذٰلكَ المَكانِ مِنْ أَوَّلِ القَوْمِ. قالَ: «بِعْنِيهِ»، قالَ: بَلْ هُوَ لكَ يا رَسُولَ اللهِ قالَ: «بَلْ بِعْنِيهِ، قَدْ أَخَذْتُهُ بِأَرْبَعَةِ دَنانِيرَ ولكَ ظَهْرُهُ إلى المَدِينَةِ». فَلَمَّا دَنَوْنا مِنَ المَدِينَةِ أَخَذْتُ أَرْتَحِلُ، قالَ: «أَيْنَ تُرِيدُ؟» قُلْتُ: تَزَوَّجْتُ امْرَأَةً قَدْ خَلا مِنْها، قالَ: «فَهَلَّا جارِيَةً تُلاعِبُها وتُلاعِبُكَ؟» قُلْتُ: إنَّ أَبِي تُوُفِّيَ وتَرَكَ بَناتٍ فأَرَدْتُ أَنْ أَنْكِحَ امْرَأَةً قَدْ جَرَّبَتْ خَلا مِنْها. قالَ: «فذٰلكَ». فَلَمَّا قَدِمْنا المَدِينَةَ قالَ: «يا بِلالُ اقْضِهِ وزِدْهُ»، فأَعْطاهُ أَرْبَعَةَ دَنانِيرَ وزَادَهُ قِيراطاً. قالَ جابِرٌ: لا تُفارِقُنِي زِيادَةُ رَسُولِ اللهِ ﷺ فَلَمْ يَكُنِ القِيرَاطُ يُفَارِقُ قِرابَ جابِرِ بنِ عَبْدِ اللهِ.

[راجع: ٤٤٣]

(9) CHAPTER. A woman can depute the ruler in the matter of marriage.

(٩) بابُ وَكَالَةِ الامْرَأَةِ الإمَامَ في النِّكاحِ

2310. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: A woman came to Allāh's Messenger ﷺ and said, "O Allāh's Messenger! I want to give up myself to you." A man said, "Marry her to me." The Prophet ﷺ said, "We agree to marry her to you with what you know of the Qur'ān by heart."

٢٣١٠ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ. أَخْبَرَنا مالِكٌ، عَنْ أَبِي حازِمٍ، عَنْ سَهْلِ ابنِ سَعْدٍ قالَ: جاءَتِ امْرَأَةٌ إلى رَسُولِ اللهِ ﷺ فَقالَتْ: يا رَسُولَ اللهِ، إنِّي قَدْ وَهَبْتُ

(1) (H. 2309) The Prophet ﷺ did not mention how much extra money Bilāl was to give, so Bilāl gave according to convention.

لَكَ مِنْ نَفْسِي. فَقالَ رَجُلٌ: زَوِّجْنِيهَا، قالَ: «قَدْ زَوَّجْنَاكَهَا بِمَا مَعَكَ مِنَ القُرْآنِ». [انظر: ٥٠٢٩، ٥٠٣٠، ٥٠٨٧، ٥١٢١، ٥١٢٦، ٥١٣٢، ٥١٣٥، ٥١٤١، ٥١٤٩، ٥١٥٠، ٥٨٧١، ٧٤١٧]

(١٠) بابٌ إِذَا وَكَّلَ رَجُلاً فَتَرَكَ الوَكِيلُ شَيْئاً فَأَجَازَهُ المُوَكِّلُ فَهُوَ جائِزٌ. وإِنْ أَقْرَضَهُ إِلَى أَجَلٍ مُسَمًّى جَازَ

(10) CHAPTER. If a person deputes somebody, and the deputy leaves something, and the owner agrees that, then it is allowed, and if the deputy lends something of what is in his custody, for a specific time, it is permissible (if the owner agrees).

٢٣١١ - وقالَ عُثْمانُ بنُ الهَيْثَمِ أَبُو عَمْرٍو: حدَّثَنا عَوْفٌ، عَنْ مُحَمَّدِ بنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: وكَّلَنِي رَسُولُ اللهِ ﷺ بِحِفْظِ زَكَاةِ رَمَضَانَ فأَتَانِي آتٍ فَجَعَلَ يَحْثُو مِنَ الطَّعامِ فأَخَذْتُهُ وقُلْتُ: لأَرْفَعَنَّكَ إِلى رَسُولِ اللهِ ﷺ، قالَ: إِنِّي مُحْتَاجٌ وعَلَيَّ عِيَالٌ ولِي حَاجَةٌ شَدِيدَةٌ. قالَ: فَخَلَّيْتُ عَنْهُ، فأَصْبَحْتُ فَقالَ النَّبِيُّ ﷺ: «يا أَبَا هُرَيْرَةَ، ما فَعَلَ أَسِيرُكَ البارِحَةَ؟» قالَ: قُلْتُ: يا رَسُولَ اللهِ شَكا حَاجَةً شَدِيدَةً وعِيالاً فَرَحِمْتُهُ فَخَلَّيْتُ سَبِيلَهُ. قالَ: «أَمَا إِنَّهُ قَدْ كَذَبَكَ وسَيَعُودُ»، فَعَرَفْتُ أَنَّهُ سَيَعُودُ لِقَوْلِ رَسُولِ اللهِ ﷺ: «إِنَّهُ سَيَعُودُ». فَرَصَدْتُهُ، فَجَعَلَ يَحْثُو مِنَ الطَّعامِ فأَخَذْتُهُ فَقُلْتُ:

2311. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ deputed me to keep *Ṣadaqat* (*Al-Fiṭr*) of Ramaḍān. A comer[1] came and started taking handfuls of the foodstuff (of the *Ṣadaqa*) (stealthily). I took hold of him and said, "By Allāh, I will take you to Allāh's Messenger ﷺ." He said, "I am needy and have many dependents, and I am in great need." I released him, and in the morning Allāh's Messenger ﷺ asked me, "What did your prisoner do yesterday?"[2] I said, "O Allāh's Messenger! The person complained of being needy and of having many dependents, so, I pitied him and let him go." Allāh's Messenger ﷺ said, "Indeed, he told you a lie and he will be coming again." I believed that he would show up again as Allāh's Messenger ﷺ had told me that he would return. So, I waited for him watchfully. When he (showed up and) started stealing handfuls of foodstuff, I caught hold of him again and said, "I will definitely take you to Allāh's Messenger ﷺ." He said, "Leave me, for I am very needy and have many dependents. I promise I will not come

(1) (H.2311) Comer: Satan
(2) (H.2311) Allāh's Messenger ﷺ was inspired Divinely about the whole story and this was the reason why he asked Abū Hurairah, though Abū Hurairah had told him nothing.

back again." I pitied him and let him go. In the morning Allāh's Messenger ﷺ asked me, "What did your prisoner do?" I replied, "O Allāh's Messenger! He complained of his great need and of too many dependents, so I took pity on him and set him free." Allāh's Messenger ﷺ said, "Verily, he told you a lie and he will return." I waited for him attentively for the third time, and when he (came and) started stealing handfuls of the foodstuff, I caught hold of him and said, "I will surely take you to Allāh's Messenger ﷺ as it is the third time you promise not to return, yet you break your promise and come." He said, "(Forgive me and) I will teach you some words with which Allāh will benefit you." I asked, "What are they?" He replied, "Whenever you go to bed, recite *Āyat-al-Kursī* – *'Allāhu lā ilāha illā Huwal-Ḥaiy-ul Qaiyyūm'*(1) till you finish the whole Verse. (if you do so), Allāh will appoint a guard for you who will stay with you and no satan will come near you till morning". So, I released him. In the morning, Allāh's Messenger ﷺ asked, "What did your prisoner do yesterday?" I replied, "He claimed that he would teach me some words by which Allāh will benefit me, so I let him go." Allāh's Messenger ﷺ asked, "What are they?" I replied, "He said to me, 'Whenever you go to bed, recite *Āyat-al-Kursī* from the beginning to the end – *Allāhu lā ilāha illā Huwal-Ḥaiy-ul-Qaiyyūm* –.' He further said to me, '(If you do so), Allāh will appoint a guard for you who will stay with you, and no satan will come near you till morning.' [(Abū Hurairah or another subnarrator) added that they (the Companions) were very eager to do good deeds]. The Prophet ﷺ said, "He really spoke the truth, although he is an absolute

لأَرْفَعَنَّكَ إلى رَسُولِ اللهِ ﷺ، قالَ: دَعْني فإِنِّي مُحْتاجٌ وعَلَيَّ عِيالٌ، لا أَعُودُ. فَرَحِمْتُهُ فَخَلَّيْتُ سَبِيلَهُ. فأَصْبَحْتُ فَقالَ لي رَسُولُ اللهِ ﷺ: «يا أَبا هُرَيْرَةَ، ما فَعَلَ أَسِيرُكَ؟» قُلْتُ: يا رَسُولَ اللهِ. شَكا حاجَةً شَدِيدَةً وعِيالاً فَرَحِمْتُهُ فَخَلَّيْتُ سَبِيلَهُ. قالَ: «أَما إِنَّهُ قَدْ كَذَبَكَ وسَيَعُودُ». فَرَصَدْتُهُ الثَّالِثَةَ فَجَعَلَ يَحْثُو مِنَ الطَّعامِ فأَخَذْتُهُ، فَقُلْتُ: لأَرْفَعَنَّكَ إلى رَسُولِ اللهِ ﷺ وهذا آخِرُ ثلاثِ مَرَّاتٍ أَنَّكَ تَزْعُمُ لا تَعُودُ ثُمَّ تَعُودُ. قالَ: دَعْني أُعَلِّمْكَ كَلِماتٍ يَنْفَعُكَ اللهُ بِها، قُلْتُ: ما هُنَّ؟ قالَ: إِذا أَوَيْتَ إلى فِراشِكَ فاقْرَأْ آيَةَ الكُرْسِيِّ ﴿ٱللَّهُ لَآ إِلَٰهَ إِلَّا هُوَ ٱلْحَىُّ ٱلْقَيُّومُ﴾ حتَّى تَخْتِمَ الآيَةَ فإِنَّكَ لَنْ يَزالَ عَلَيْكَ مِنَ اللهِ حافِظٌ ولا يَقْرَبَنَّكَ شَيْطانٌ حتَّى تُصْبِحَ، فَخَلَّيْتُ سَبِيلَهُ. فأَصْبَحْتُ فَقالَ لي رَسُولُ اللهِ ﷺ: «ما فَعَلَ أَسِيرُكَ البارِحَةَ؟» قُلْتُ: يا رَسُولَ اللهِ، زَعَمَ أَنَّهُ يُعَلِّمُني كلماتٍ يَنْفَعُني اللهُ بِها فَخَلَّيْتُ سَبِيلَهُ. قالَ: «ما هِيَ؟» قُلْتُ: قالَ لي: إِذا أَوَيْتَ إلى فِراشِكَ فاقْرَأْ آيَةَ الكُرْسِيِّ مِنْ أَوَّلِها حتَّى تَخْتِمَ الآيَةَ ﴿ٱللَّهُ لَآ إِلَٰهَ إِلَّا هُوَ ٱلْحَىُّ ٱلْقَيُّومُ﴾ وقالَ لي: لَنْ يَزالَ

(1) (H. 2311) *Sūrat Al-Baqarah*, Verse No. 255.

liar. Do you know whom you were talking to, these three nights, O Abū Hurairah?" Abū Hurairah said, "No." He said, "It was Satan."

عَلَيكَ مِنَ اللهِ حافِظٌ ولا يَقْرَبُكَ شَيْطانٌ حتَّى تُصْبِحَ. وكَانُوا أَحْرَصَ شَيْءٍ عَلى الخَيرِ. فقالَ النَّبيُّ ﷺ: «أما إنَّهُ قَدْ صَدَقَكَ وهُوَ كَذُوبٌ، تَعْلَمُ مَنْ تُخَاطِبُ مُذْ ثَلاثِ لَيالٍ يا أَبا هُرَيْرَةَ؟» قالَ: لا، قالَ: «ذَاكَ شَيْطانٌ». [انظر: ٣٢٧٥، ٥٠١٠]

(11) CHAPTER. If a deputy sells something (in an illegal manner), the transaction is invalid.

(١١) بابُ إذَا بَاعَ الوَكِيلُ شَيْئاً فَاسِداً فَبَيْعُهُ مَرْدُودٌ

2312. Narrated Abū Sa'īd al-Khudrī رَضِيَ اللهُ عَنْهُ: Once Bilāl brought *Barnī* (i.e., a kind of dates) to the Prophet ﷺ and the Prophet ﷺ asked him, "From where have you brought these?" Bilāl replied, "I had some inferior type of dates and exchanged two *Ṣā'* of it for one *Ṣā'* of *Barnī* (dates) in order to give it to the Prophet ﷺ to eat." Thereupon the Prophet ﷺ said, "Beware! Beware! This is definitely *Ribā* (usury)! This is definitely *Ribā*[1] (usury). ! Don't do so, but if you want to buy (a superior kind of dates), sell the inferior kind of dates for money and then buy the superior kind of dates with that money."

٢٣١٢ - حَدَّثَنَا إسْحاقُ: حدَّثَنا يَحْيَى بنُ صالحٍ: حدَّثَنا مُعاوِيَةُ هُوَ ابنُ سَلَّامٍ، عَنْ يَحْيَى قالَ: سَمِعْتُ عُقْبَةَ بنَ عَبْدِ الغافِرِ: أَنَّهُ سَمِعَ أَبا سَعِيدٍ الخُدْرِيَّ رَضِيَ اللهُ عَنْهُ قالَ: جاءَ بِلالٌ إلى النَّبيِّ ﷺ بِتَمْرٍ بَرْنِيٍّ، فَقالَ لَهُ النَّبيُّ ﷺ: «مِنْ أَيْنَ هٰذَا؟» قالَ بِلالٌ: كانَ عِنْدِي تَمْرٌ رَدِيءٌ فَبِعْتُ مِنْهُ صاعَيْنِ بِصاعٍ لِنُطْعِمَ النَّبيَّ ﷺ. فَقالَ النَّبيُّ ﷺ عِنْدَ ذٰلكَ: «أَوَّهْ أَوَّهْ. عَيْنُ الرِّبا، عَيْنُ الرِّبا، لا تَفْعَلْ. ولكِنْ إذَا أَرَدْتَ أَنْ تَشْتَرِيَ فَبِعِ التَّمْرَ بِبَيْعٍ آخَرَ ثُمَّ اشْتَرِ بِهِ».

(12) CHAPTER. The deputyship for managing the *Waqf* (religious endowment) and the expenses of the trustee. The trustee can provide his friends from it and he himself can eat from it reasonably (according to his work).

(١٢) بابُ الوَكالَةِ في الوَقْفِ ونَفَقَتِهِ وأَنْ يُطْعِمَ صَدِيقاً لَهُ ويأكُلَ بالمَعْرُوفِ

2313. Narrated 'Amr concerning the *Waqf* of 'Umar رَضِيَ اللهُ عَنْهُ: It was not sinful of the

٢٣١٣ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ:

(1) (H.2312) *Ribā*: See glossary.

حدَّثنا سُفْيانُ، عَنْ عَمْرٍو، قالَ في صَدَقَةِ عُمَرَ رَضِيَ اللهُ عَنْهُ: لَيْسَ عَلى الوَلِيِّ جُناحٌ أَنْ يأكُلَ ويُؤكِلَ صَدِيقاً غَيرَ مُتأثِّلٍ مالاً. فَكانَ ابنُ عُمَرَ هُوَ يَلي صَدَقَةَ عُمَرَ، يُهدِي لِناسٍ مِنْ أَهْلِ مَكَّةَ يَنزِلُ عَلَيْهِمْ. [انظر: ٢٧٣٧، ٢٧٦٤، ٢٧٧٢، ٢٧٧٣، ٢٧٧٧]

trustee (of the *Waqf*) to eat or provide his friends from it, provided the trustee had no intention of collecting fortune (for himself). Ibn 'Umar was the manager of the trust of 'Umar and he used to give presents from it to those with whom he used to stay at Makkah.

(١٣) بابُ الوَكالَةِ في الحُدُودِ

(13) CHAPTER. To depute a person to carry out a (legal) Allāh's ordained punishment.

٢٣١٤، ٢٣١٥ - حَدَّثَنا أَبُو الوَلِيدِ: أَخْبَرَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ بنِ عبدِ اللهِ، عَنْ زَيْدِ بنِ خالِدٍ وأَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ قالَ: «وَاغْدُ يا أُنَيْسُ إِلى امْرأةِ هذا فإنِ اعْتَرَفَتْ فارْجُمْها». [الحديث: ٢٣١٤، انظر: ٢٦٤٩، ٢٦٩٦، ٢٧٢٥، ٦٦٣٤، ٦٨٢٨، ٦٨٣١، ٦٨٣٦، ٦٨٤٣، ٦٨٦٠، ٧١٩٤، ٧٢٥٩، ٧٢٧٩]؛ [الحديث: ٢٣١٥، انظر: ٢٦٩٥، ٢٧٢٤، ٦٦٣٣، ٦٨٢٧، ٦٨٣٣، ٦٨٣٥، ٦٨٤٢، ٦٨٥٩، ٧١٩٣، ٧٢٥٨، ٧٢٦٠، ٧٢٧٨]

2314, 2315. Narrated Zaid bin Khalid and Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "O Unais! Go to the wife of this (man) and if she confesses (that she has committed illegal sexual intercourse), then stone her to death."

٢٣١٦ - حَدَّثَنا ابنُ سَلَامٍ: أَخْبَرَنا عَبْدُ الوَهَّابِ الثَّقَفِيُّ، عَنْ أَيُّوبَ، عَنِ ابنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بنِ الحَارِثِ قالَ: جِيءَ بالنُّعَيمانِ أَو ابنِ النُّعَيمانِ شارِباً، فَأَمَرَ رَسُولُ اللهِ ﷺ مَنْ كانَ في البَيْتِ أَنْ يَضْرِبُوهُ، قالَ: فَكُنْتُ أَنَا

2316. Narrated 'Uqba bin Al-Ḥārith رَضِيَ اللهُ عَنْهُ: When An-Nuaimān or his son was brought in a state of drunkenness, Allāh's Messenger ﷺ ordered all those who were present in the house to beat him. I was one of those who beat him. We beat him with shoes and palm-leaf stalks.

فِيمَنْ ضَرَبَهُ فَضَرَبْنَاهُ بالنِّعالِ والجَرِيدِ.

[انظر: ٦٧٧٤، ٦٧٧٥]

(14) CHAPTER. To depute someone to sacrifice *Budn* (camels for sacrifice) and to look after them.

(١٤) بابُ الوَكالَةِ في البُدْنِ وتَعاهُدِها

2317. Narrated 'Āishah رَضِيَ اللهُ عَنْها: I twisted the garlands of the *Hady* (i.e., animals for sacrifice) of Allāh's Messenger ﷺ with my own hands. Then Allāh's Messenger ﷺ put them around their necks with his own hands, and sent them with my father (to Makkah). Nothing legal was regarded illegal for Allāh's Messenger ﷺ till the animals were slaughtered.[1]

٢٣١٧ - حَدَّثَنَا إسْماعِيلُ بنُ عَبدِ اللهِ قالَ: حدَّثَني مالِكٌ، عَنْ عَبْدِ اللهِ بنِ أَبي بَكْرِ بنِ حَزْمٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ: أَنَّها أَخْبَرَتْهُ: قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها: أَنا فَتَلْتُ قَلائِدَ هَدْيِ رَسُولِ اللهِ ﷺ بِيَدَيَّ ثُمَّ قَلَّدَها رَسُولُ اللهِ ﷺ بِيَدَيْهِ، ثُمَّ بَعَثَ بِها مَعَ أَبي، فَلَمْ يَحْرُمْ عَلى رَسُولِ اللهِ ﷺ شَيْءٌ أَحَلَّهُ اللهُ لَهُ حَتَّى نُحِرَ الهَدْيُ. [راجع: ١٦٩٦]

(15) CHAPTER. If a person tells his deputy, "Spend it as Allāh directs you," and the deputy says, "I have heard what you have said."

(١٥) بابٌ إذا قالَ الرَّجُلُ لِوكِيلِهِ: ضَعْهُ حَيْثُ أَرَاكَ اللهُ. وقالَ الوَكِيلُ: قَدْ سَمِعْتُ ما قُلْتَ

2318. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Abū Ṭalḥa was the richest man in Al-Madina amongst the *Anṣār,* and Beeruḥā' (garden) was the most beloved of his property, and it was situated opposite the mosque (of the Prophet ﷺ). Allāh's Messenger ﷺ used to enter it and drink from its sweet water. When the following Divine Verse was revealed: "By no means shall you attain *Al-Birr* (piety, righteousness, here it means Allāh's Reward i.e., Paradise), till you spend (in Allāh's Cause) of that which you love..." (V.3:92) Abū Ṭalḥa got up in front of Allāh's Messenger ﷺ and said, "O Allāh's

٢٣١٨ - حدَّثَني يَحْيَى بنُ يَحْيَى قالَ: قَرَأْتُ عَلى مالِكٍ، عَنْ إسْحاقَ بنِ عَبْدِ اللهِ: أَنَّهُ سَمِعَ أَنَسَ بنَ مالِكٍ رَضِيَ اللهُ عَنْهُ يقُولُ: كانَ أَبُو طَلْحَةَ أَكْثَرَ أَنْصارِيٍّ بالمَدِينَةِ مالاً، وكانَ أَحَبُّ أَمْوالِهِ إلَيْهِ بيرُحاءَ، وكانَتْ مُسْتَقْبِلَةَ المَسْجِدِ. وكانَ رَسُولُ اللهِ ﷺ يَدْخُلُها ويَشْرَبُ مِنْ ماءٍ فِيها طَيِّبٍ، فَلَمَّا نَزَلَتْ ﴿لَن تَنَالُوا۟ ٱلْبِرَّ حَتَّىٰ تُنفِقُوا۟ مِمَّا تُحِبُّونَ﴾ [آل عمران: ٩٢] قامَ

(1) (H. 2317) Sending the *Hady* to Makkah while one is somewhere else, does not require that one should be treated as a *Muḥrim*.

أبُو طَلْحَةَ إلى رَسُولِ اللهِ ﷺ فقال: يا رَسُولَ اللهِ إنَّ اللهَ تعالى يَقُولُ في كِتابِهِ: ﴿لَن تَنَالُوا۟ ٱلْبِرَّ حَتَّىٰ تُنفِقُوا۟ مِمَّا تُحِبُّونَ﴾ [آل عمران: ٩٢] وإنَّ أحَبَّ أموالي إلَيَّ بيرُحاءُ، وإنَّها صَدَقَةٌ للهِ أرْجُو بِرَّها وذُخْرَها عِنْدَ اللهِ، فَضَعْها يا رَسُولَ اللهِ حَيْثُ شِئتَ. فَقالَ: «بَخٍ، ذٰلِكَ مالٌ رائحٌ، ذٰلِكَ مالٌ رائحٌ، قَدْ سَمِعْتُ ما قُلْتَ فِيها وأرَى أنْ تَجْعَلَها في الأقْرَبِينَ» قالَ: أفْعَلُ يا رَسُولَ اللهِ، فَقَسَمَها أبُو طَلْحَةَ في أقارِبِهِ وبَنِي عَمِّهِ».

تابَعَهُ إسْماعِيلُ، عَنْ مالِكٍ.

وقالَ رَوْحٌ، عَنْ مالِكٍ: «رَابِحٌ».

[راجع: ١٤٦١]

Messenger! Allāh تعالى says in his Book, 'By no mean shall you attain *Al-Birr* (piety, righteousnes, etc., – here it means Allāh's Reward i.e., Paradise) unless you spend (in Allāh's Cause) of that which you love...' and verily, the most beloved to me of my property is Bairuḥā (garden), so I give it in charity and hope for its reward from Allāh. O Allāh's Messenger! Spend it wherever you like." Allāh's Messenger ﷺ appreciated that and said, "That is perishable wealth! That is perishable wealth! I have heard what you have said; I suggest you to distribute it among your relatives."[1] Abū Ṭalḥa said, "I will do so, O Allāh's Messenger." So, Abū Ṭalḥa distributed it among his relatives and cousins. The subnarrator (Mālik) said, the Prophet ﷺ said: "That is a profitable wealth," instead of "perishable wealth."

(١٦) بابُ وكَالَةِ الأمِينِ في الخِزَانَةِ ونَحْوِها

(16) CHAPTER. To depute a trustworthy treasurer for the treasury and similar things.

٢٣١٩ - حَدَّثَني مُحَمَّدُ بنُ العَلاءِ: حدَّثَنا أبُو أُسامَةَ، عَنْ بُرَيْدِ بنِ عَبْدِ اللهِ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «الخَازِنُ الأمِينُ الَّذِي يُنْفِقُ - ورُبَّما قال: الَّذِي يُعْطِي - مَا أُمِرَ بِهِ كامِلاً مُوفَّراً، طَيِّباً نَفْسُهُ إلى الَّذِي أُمِرَ بِهِ أحَدُ المُتَصَدِّقَيْنِ».

[راجع: ١٤٣٨]

2319. Narrated Abū Mūsa رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "An honest treasurer who gives what he is ordered to give fully, perfectly and willingly to the person to whom he is ordered to give, is regarded as one of the two charitable persons."[2]

(1) (H. 2318) That is perishable wealth and it is better for you to spend it in charity whereby you will get what will be imperishable (i.e., Allāh's Reward).

(2) (H. 2319) The owner is the other charitable person.

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٤١ - كِتابُ الحَرْثِ والمُزَارَعَة

(1) CHAPTER. The superiority of sowing seeds and planting trees if some of the product is eaten (by people or animals).

The Statement of Allāh تعالى: "Then tell Me about the seed that you sow in the ground, is it you that make it to grow, or are We the grower? Were it Our Will, We could crumble it to dry pieces..." (V.56: 63-65)

(١) بابُ فَضْلِ الزَّرْعِ والغَرْسِ إذَا أُكِلَ مِنْهُ، وقَوْلِ اللهِ تَعالىٰ: ﴿أَفَرَءَيْتُم مَّا تَحْرُثُونَ ۝ ءَأَنتُمْ تَزْرَعُونَهُۥٓ أَمْ نَحْنُ ٱلزَّٰرِعُونَ ۝﴾ [الواقعة: ٦٣-٦٥].

2320. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "There is none amongst the Muslims who plants a tree or sows seeds, and then a bird, or a person or an animal eats from it, but is regarded as a charitable gift for him."

٢٣٢٠ - حَدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا أبُو عَوَانَةَ (ح) وحدَّثَني عَبْدُ الرَّحْمٰنِ بنُ المُبَارَكِ: حدَّثَنا أبُو عَوَانَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «ما مِنْ مُسْلِمٍ يَغْرِسُ غَرْساً أَوْ يَزْرَعُ زَرْعاً فَيَأْكُلُ مِنْهُ طَيْرٌ أَوْ إِنْسانٌ أَوْ بَهِيمَةٌ إِلَّا كانَ لَهُ بِهِ صَدَقَةٌ».

وقَالَ مُسْلِمٌ: حدَّثَنا أبانُ: حدَّثَنا قَتادَةُ: حدَّثَنا أنسٌ عَنِ النَّبِيِّ ﷺ.

[انظر: ٦٠١٢]

(2) CHAPTER. What is to be afraid of the results of indulging in the agricultural mechanical equipment, or to transgress the prescribed limits.

(٢) بابُ ما يُحْذَرُ مِنْ عَوَاقِبِ الاِشْتِغالِ بِآلَةِ الزَّرْعِ أَوْ مُجاوَزَةِ الحَدِّ الَّذي أُمِرَ بِهِ

2321. It is narrated that Abū Umāma al-Bāhilī saw some agricultural equipments and said, "I heard the Prophet ﷺ saying: "There is no house in which these equipment enter except that Allāh will cause humiliation to enter it."[1]

٢٣٢١ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا عَبْدُ اللهِ بنُ سالِمٍ الْحِمْصِيُّ: حدَّثَنا مُحَمَّدُ بنُ زِيادٍ الأَلْهَانِيُّ، عَنْ أَبي أُمامَةَ الباهِلِيِّ

(1) (H. 2321) This *Hadīth* indicates that the profession of cultivation is often a source of=

قالَ: وَرَأى سِكَّةً وشَيْئاً مِنْ آلَةِ الحَرْثِ، فَقالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «لا يَدْخُلُ هٰذا بَيتَ قَوْمٍ إلَّا أَدْخَلَهُ اللهُ الذُّلَّ». قالَ مُحَمَّدٌ: واسْمُ أبِي أُمامَةَ: صُدَيُّ بنُ عَجْلانَ.

(3) CHAPTER. Keeping a watch-dog for the farm.

(٣) بابُ اقْتِناءِ الكَلْبِ لِلْحَرْثِ

2322. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever keeps a dog, one *Qirāṭ* (of the reward) of his good deeds is deducted daily, unless the dog is used for guarding a farm or cattle."

Abū Hurairah (in another quotation) said: "The Prophet ﷺ said, "... unless it is (used) for (guarding) sheep or farms, or for hunting."

Abū Hurairah added: The Prophet ﷺ said, "... unless a dog is kept (for guarding) cattle or for hunting."

٢٣٢٢ - حَدَّثَنا مُعاذُ بنُ فَضالَةَ: حدَّثَنا هِشَامٌ، عَنْ يَحْيَى بنِ أبِي كَثِيرٍ، عَنْ أبِي سَلَمَةَ، عَنْ أبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ أمْسَكَ كَلْباً فَإنَّهُ يَنْقُصُ كُلَّ يَوْمٍ مِنْ عَمَلِهِ قِيراطٌ إلَّا كَلْبَ حَرْثٍ أوْ ماشِيَةٍ». قالَ ابنُ سِيرِيْنَ وأبُو صَالِحٍ، عَنْ أبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ: «إلَّا كَلْبَ غَنَمٍ أوْ حَرْثٍ أوْ صَيْدٍ». وقالَ أبُو حازِمٍ، عَنْ أبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ: «كَلْبَ ماشِيَةٍ أو صَيْدٍ». [انظر: ٣٣٢٤]

2323. Narrated As-Sā'ib bin Yazīd: Abū Sufyān bin Abū Zuhair, a man from Azd Shanū'a and one of the Companions of the Prophet ﷺ said, "I heard Allāh's Messenger ﷺ saying, 'If one keeps a dog which is meant for guarding neither a farm nor cattle will get a daily deduction of one *Qirāṭ* of the reward of his good deeds."

٢٣٢٣ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرنا مالِكٌ، عَنْ يَزِيدَ بنِ خُصَيْفَةَ: أنَّ السَّائِبَ بنَ يَزِيدَ حَدَّثَهُ: أنَّهُ سَمِعَ سُفْيانَ ابنَ أبِي زُهَيْرٍ - رَجُلٌ مِنْ أزْدِ شَنُوءَةَ، وَكَانَ مِنْ أصْحابِ

=oppression and humiliation, especially under the feudal system. By indulging in this work, one may neglect *Jihād* in Allāh's Cause and other important Allāh's Obligations. It is also said that this *Ḥadīth* is concerned with those living near the enemies: If they got busy in agriculture and left *Jihād*, the enemies might overcome and humiliate them. Of course, the *Ḥadīth* should not be taken literally. Farming is not undesirable in itself but we should beware the results of indulging too much in it. (*Fatḥ Al-Bārī*)

النَّبيِّ ﷺ - قال: سمعتُ النَّبيَّ ﷺ يَقولُ: «مَنِ اقْتَنى كَلْباً لا يُغْني عَنْهُ زَرْعاً ولا ضَرْعاً نَقَصَ كُلَّ يوم مِنْ عَمَلِهِ قِيرَاطٌ». قُلْتُ: أنتَ سَمِعْتَ هٰذا مِنْ رَسُولِ اللهِ ﷺ؟ قالَ: إِيْ ورَبِّ هٰذا المَسْجِدِ. [انظر: ٣٣٢٥]

I asked, "Did you hear this from Allāh's Messenger ﷺ?" He said, "Yes, by the Lord of this mosque."

(٤) بابُ اسْتِعْمالِ البَقَرِ لِلْحِرَاثَةِ

(4) CHAPTER. Employing oxen for ploughing.

٢٣٢٤ - حَدَّثَني مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا غُنْدَرٌ: حدَّثَنا شُعْبَةُ، عَنْ سَعْدِ بْنِ إِبْراهِيمَ بْنِ عَبْدِ الرَّحْمٰنِ بْنِ عوفٍ الزُّهْرِيِّ، قالَ: سَمِعْتُ أبا سَلَمَةَ عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «بَيْنَما رَجُلٌ رَاكِبٌ عَلىٰ بَقَرَةٍ الْتَفَتَتْ إِلَيهِ فَقالَتْ: لَمْ أُخلَقْ لِهٰذا. خُلِقْتُ لِلْحِرَاثَةِ، قالَ: آمَنْتُ بِهِ أَنَا وأبو بَكْرٍ وعُمَرُ. وأخَذَ الذِّئْبُ شاةً فَتَبِعَها الرَّاعِي فَقالَ لَهُ الذِّئْبُ: مَنْ لَها يَوْمَ السَّبُعِ؟ يَوْمَ لا

2324. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "While a man was riding a cow, it turned towards him and said, 'I have not been created for this purpose (i.e., carrying), I have been created for ploughing.'" The Prophet ﷺ added, "I, Abū Bakr and 'Umar believe in this story." The Prophet ﷺ further said, "A wolf caught a sheep, and when the shepherd chased it, the wolf said, 'Who will be its guard on the day of wild beasts, when there will be no shepherd for it except I?'" After narrating it, the Prophet ﷺ said, "I, Abū Bakr and 'Umar too believe it."[1] Abū Salama (a subnarrator) said, "Abū Bakr and 'Umar were not present then."[2]

(1) (H. 2324) The Prophet ﷺ talked on behalf of Abū Bakr and 'Umar, because he was sure that they would believe the story when they heard it.

(2) (H. 2324) It has been written that a wolf also spoke to a shepherd during the Prophet's lifetime near Al-Madina as narrated in *Musnad Imām Ahmad* in the *Musnad* of Abū Sa'īd Al-Khudri رَضِيَ اللهُ عَنْهُ (Vol. 3): Narrated Abū Sa'īd Al-Khudri رَضِيَ اللهُ عَنْهُ: (While a shepherd was in his herd of sheep), suddenly a wolf attacked a sheep and took it away, the shepherd chased the wolf and took back the sheep, the wolf sat on its tail and addressed the shepherd saying: "Be afrid of Allāh, you have taken the provision from me which Allāh gave me". The shepherd said: 'What an amazing thing! A wolf sitting on its tail speaks to me in the language of a human being." The wolf said: "Shall I tell you something more amazing than this? There is Muḥammad, the Messenger of Allāh (ﷺ) in Yathrib (Al-Madina) informing the people about the news of the past." Then the shepherd (after hearing that) proceeded (towards Al-Madina) driving his sheep till he entered Al-Madina, cornered his sheep in a place, and came to Allāh's Messenger (Muhammad ﷺ) informed the whole story. Allāh's Messenger ordered for the proclamation of a congregational prayer (صلاة جامعه), then he ﷺ came out and asked=

رَاعِيَ لَها غَيْرِي؟ قالَ: آمَنْتُ بِهِ أَنَا وأَبُو بَكْرٍ وعُمَرُ». قالَ أَبُو سَلَمَةَ: وما هُما يَوْمَئِذٍ في القَوْمِ. [انظر: ٣٤٧١، ٣٦٦٣، ٣٦٩٠]

(5) CHAPTER. (It is permissible for one) to say to another, "Look after my date-palm trees or other trees and share the fruits with me."

(٥) بابٌ إذَا قَالَ: اكْفِنِي مَؤُونَةَ النَّخْلِ وَغَيْرِهِ وتُشْرِكُنِي في الثَّمَرِ

2325. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The *Anṣār* said to the Prophet ﷺ, "Distribute the date-palm trees between us and our emigrant brothers." He replied, "No." The *Anṣār* said (to the emigrants), "Look after the trees (water and watch them) and share the fruits with us." The emigrants said, "We listen and obey."

٢٣٢٥ - حَدَّثَنَا الحَكَمُ بنُ نافِعٍ: أَخْبَرَنا شُعَيْبٌ: حدَّثَنا أَبُو الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قَالَتِ الأَنْصَارُ لِلنَّبِيِّ ﷺ: اقْسِمْ بَيْنَنا وبَيْنَ إخْوانِنَا النَّخِيلَ، قالَ: «لا»، فَقَالُوا: تَكْفُونَا المَؤُنَةَ وَنُشْرِكُكُمْ في الثَّمَرَةِ، قالُوا: سَمِعْنَا وأَطَعْنَا. [انظر: ٢٧١٩، ٣٧٨٢]

(6) CHAPTER. The cutting of trees and date-palm trees.

(٦) بابُ قَطْعِ الشَّجَرِ والنَّخْلِ

Anas said, "The Prophet ﷺ ordered that the date-palm trees be cut down and they were cut down."(1)

وقالَ أَنَسٌ: أَمَرَ النَّبِيُّ ﷺ بالنَّخْلِ فَقُطِعَ.

2326. Narrated 'Abdullāh رَضِيَ الله عَنْهُ: The Prophet ﷺ got the date-palm trees of the tribe of Banī An-Naḍīr burnt and the trees cut down at a place called Al-Buwaira. Ḥassān bin Thābit said in a poetic verse:

٢٣٢٦ - حَدَّثَنَا مُوسَى بنُ إسْمَاعِيلَ: حدَّثَنا جُوَيْرِيَةُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ أَنَّهُ حَرَّقَ نَخْلَ بَنِي النَّضِيرِ

=the shepherd to inform the people (about his story) and he informed them. Then Allāh's Messenger said: "He (the shepherd) has spoken the truth. By Him (Allāh) in Whose Hands my soul is, the Day of Resurrection will not be established till beasts of prey (سباع) speak to the human beings, and the stick lash and the shoe-laces of a person speak to him and his thigh informs him about his family as to what happened to them after him [(*Musnad Imām Aḥmad,* Vol. 3, in the *Musnad* of Abū Sa'īd Al-Khudri]. (See H. 3663).

(1) (Ch. 6) The date-palm trees referred here to are those of the mosque of the Prophet ﷺ which were cut down during its construction.

وقَطَعَ، وهِيَ البُوَيْرَةُ ولَها يَقُولُ حَسَّانُ:

لَهَانَ عَلى سَرَاةِ بَنِي لُؤَيٍّ
حَرِيقٌ بِالبُوَيْرَةِ مُسْتَطِيرُ

[انظر: ٣٠٢١، ٤٠٣١، ٤٠٣٢، ٤٨٨٤]

"The chiefs of Banī Lu'aī found it easy to watch fire spreading at Al-Buwaira."(1)

(٧) بابٌ:

(7) CHAPTER:

٢٣٢٧ - حَدَّثَنا مُحَمَّدُ بنُ مُقاتِلٍ: أخْبَرَنا عَبْدُ اللهِ: أخْبَرَنا يَحْيَى بنُ سَعِيدٍ، عَنْ حَنْظَلَةَ بنِ قَيْسٍ الأنْصارِيِّ: سَمِعَ رَافِعَ بنَ خَدِيجٍ قالَ: كُنَّا أكْثَرَ أهْلِ المَدِينَةِ مُزْدَرَعاً، كُنَّا نُكْرِي الأرْضَ بالنَّاحِيَةِ، مِنْها مُسَمًّى لِسَيِّدِ الأرْضِ، قالَ: فَمِمَّا يُصابُ ذٰلكَ وتَسْلَمُ الأرْضُ، ومِمَّا يُصابُ الأرْضُ ويَسْلَمُ ذٰلكَ، فَنُهِينا، فَأمَّا الذَّهَبُ والوَرِقُ فَلَمْ يَكُنْ يَوْمَئِذٍ.

2327. Narrated Rafi' bin Khadīj: We worked on farms more than anybody else in Al-Madīna. We used to rent the land at the yield of specific delimited portion of it to be given to the landlord. Sometimes the vegetation of that portion was affected by blights etc., while the rest remained safe and vice versa, so the Prophet ﷺ forbade this practice. At that time gold or silver were not used (for renting the land).

(٨) بابُ المُزارَعَةِ بالشَّطْرِ ونَحْوِهِ

(8) CHAPTER. Temporary share-cropping contract on the basis of dividing the yield into halves, one for each partner or on other basis.

وقالَ قَيْسُ بنُ مُسْلِمٍ، عَنْ أبي جَعْفَرٍ، قالَ: ما بِالمَدِينَةِ أهْلُ بَيْتِ هِجْرَةٍ إلَّا يَزْرَعُونَ عَلى الثُّلُثِ والرُّبُعِ. وزارَعَ عَلِيٌّ وسَعْدُ بنُ مالِكٍ وعَبْدُ اللهِ بنُ مَسْعُودٍ وعُمَرُ ابنُ عَبْدِ العَزِيزِ والقاسِمُ وعُرْوَةُ بنُ الزبير وآلُ أبي بَكْرٍ وآلُ عُمَرَ وآلُ عَلِيٍّ وابنُ سِيرِينَ. وقالَ عَبْدُ الرَّحْمٰنِ بنُ الأسْوَدِ: كُنْتُ أشارِكُ

Narrated Abū Ja'far: All the emigrants in Al-Madīna used to cultivate the land (for the *Anṣār*) on the condition of having one-third or one-fourth of the yield. 'Alī, Sa'd bin Mālik, 'Abdullāh bin Mas'ūd, 'Umar bin 'Abdul 'Azīz, Al-Qāsim, 'Urwa and the families of Abū Bakr, of 'Umar and of 'Alī, and Ibn Sīrīn cultivated the land of 'Abdur-Rahmān bin Yazīd on the basis of taking a portion of the yield." 'Umar made a deal with the people that if he provided the seeds,

(1) (H. 2326) The trees were burnt and the palm trees were cut down to make an open space for fighting.

عَبْدَ الرَّحْمٰنِ بنَ يَزِيدَ في الزَّرْعِ. وعَامَلَ عُمَرُ النَّاسَ عَلَى إنْ جاءَ عُمَرُ بالبَذْرِ مِنْ عِنْدِهِ فَلَهُ الشَّطْرُ، وإنْ جَاؤُوا بالبَذْرِ فَلَهُمْ كَذَا. وقالَ الحَسَنُ: لا بَأسَ أنْ تَكُونَ الأَرْضُ لِأحَدِهِمَا فَيُنْفِقَانِ جَمِيعاً فَما خَرَجَ فَهُوَ بَيْنَهُما. ورَأَى ذٰلكَ الزُّهْرِيُّ، وقالَ الحَسَنُ: لا بَأسَ أنْ يُجْتَنَى القُطْنُ عَلى النِّصْفِ. وقالَ إبْرَاهِيمُ وابنُ سِيرِينَ وعَطاءٌ والحَكَمُ والزُّهْرِيُّ وَقَتَادَةُ: لا بَأسَ أنْ يُعْطِيَ الثَّوْبَ بالثُّلُثِ أوِ الرُّبُعِ ونَحْوِهِ. وقالَ مَعْمَرٌ: لا بَأسَ أنْ تُكرَى المَاشِيَةُ عَلى الثُّلُثِ أو الرُّبُعِ إلىٰ أجَلٍ مُسَمًّى.

he would get half of the yield, and if they provided the seeds, they would get so-and-so much. Al-Ḥasan said, "There is no harm if the land belongs to one, but both spend on it and the yield is divided between them." Az-Zuhrī had the same opinion. Al-Ḥasan said, "There is no harm if cotton is picked on the condition of having half the yield." Ibrāhim, Ibn Sīrīn, 'Aṭā, Al-Ḥakam, Az-Zuhrī and Qatāda said, "There is no harm in giving the yarn to the weaver to weave into cloth on the basis that one-third of the cloth is given to the weaver for his labour." Ma'mar said, "There is no harm in hiring animals for a definite (fixed) period on the basis that one-third or one-fourth of the products carried by the animals is given to the owner of the animals."

٢٣٢٨ - حَدَّثَنَا إبْراهِيمُ بنُ المُنْذِرِ: حدَّثَنا أنَسُ بنُ عِياضٍ، عَنْ عُبَيْدِ اللهِ، عَنْ نَافِعٍ: أنَّ عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا أخْبَرَهُ أنَّ النَّبِيَّ ﷺ عَامَلَ خَيْبَرَ بِشَطْرِ ما يَخْرُجُ مِنْها مِنْ ثَمَرٍ أوْ زَرْعٍ، فَكانَ يُعْطِي أزْوَاجَهُ مِائَةَ وَسْقٍ. ثَمانُونَ وَسْقَ تَمْرٍ، وعِشْرُونَ وَسْقَ شَعِيرٍ. وَقَسَمَ عُمَرُ خَيْبَرَ فَخَيَّرَ أزْوَاجَ النَّبِيِّ ﷺ أنْ يُقْطِعَ لَهُنَّ مِنَ المَاءِ والأرْضِ أوْ يُمْضِيَ لَهُنَّ، فَمِنْهُنَّ مَنِ اخْتارَ الأرْضَ. ومِنْهُنَّ مَنِ اخْتَارَ الوَسْقَ، وَكَانَتْ عَائِشَةُ اخْتَارَتِ الأَرْضَ.

[راجع: ٢٢٨٥]

2328. Narrated 'Abdullāh bin 'Umar رَضِيَ الله عَنْهُما: The Prophet ﷺ concluded a contract with the people of Khaibar to utilize the land on the condition that half the products of fruits or vegetation would be their share. The Prophet ﷺ used to give his wives one hundred *Wasq* each, eighty *Wasq* of dates and twenty *Wasq* of barley. (When 'Umar became the caliph) he gave the wives of the Prophet ﷺ the option of either having the land and water as their shares, or carrying on the previous practice. Some of them chose the land and some chose the *Wasq*, and 'Āishah chose the land.

(9) CHAPTER. When no period is specified in the contract of share-cropping.

(٩) بابٌ إذا لَمْ يَشْتَرِطِ السِّنِينَ في المُزارَعَةِ

2329. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما:
The Prophet ﷺ made a deal with the people of Khaibar that they would have half the fruits and vegetation of the land they cultivated.

٢٣٢٩ - حَدَّثَنا مُسَدَّدٌ: حَدَّثَنا يَحْيَى ابنُ سَعِيدٍ، عَنْ عُبَيْدِ اللهِ: حَدَّثَني نافِعٌ عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: عامَلَ النَّبِيُّ ﷺ خَيْبَرَ بِشَطْرِ ما يَخْرُجُ مِنْها مِنْ ثَمَرٍ أوْ زَرْعٍ. [راجع: ٢٢٨٥]

(10) CHAPTER:

(١٠) بابٌ:

2330. Narrated 'Amr: I said to Ṭāwūs, "I wish you would give up *Mukhābara* (share-cropping), for the people say that the Prophet ﷺ forbade it." On that Ṭāwūs replied, "O 'Amr! I give the land to share-croppers and help them. No doubt; the most learned man, namely Ibn 'Abbās رَضِيَ اللهُ عَنْهُما told me that the Prophet ﷺ had not forbidden it (i.e., *Al-Mukhābara*) but said, 'It is more beneficial for one to give his land free to one's brother than to charge him a fixed rental.' "(1)

٢٣٣٠ - حَدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حَدَّثَنا سُفْيانُ: قالَ عَمْرٌو: قُلْتُ لِطاوُسٍ: لَوْ تَرَكْتَ المُخابَرَةَ فإنَّهُمْ يَزْعُمُونَ أنَّ النَّبِيَّ ﷺ نَهَى عَنْهُ. قالَ: أيْ عَمْرُو، إنِّي أُعْطِيهِمْ وأُعِينُهُمْ وإنَّ أعْلَمَهُمْ أخْبَرَني - يَعْني ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما -: أنَّ النَّبِيَّ ﷺ لَمْ يَنْهَ عَنْهُ ولٰكِنْ قالَ: «أنْ يَمْنَحَ أحَدُكُمْ أخاهُ خَيْرٌ لَهُ مِنْ أنْ يَأخُذَ عَلَيْهِ خَرْجاً مَعْلُوماً». [انظر: ٢٣٤٢، ٢٦٣٤]

(11) CHAPTER. Share-cropping with the Jews.

(١١) بابُ المُزارَعَةِ مَعَ اليَهُودِ

2331. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما:
Allāh's Messenger ﷺ gave the land of Khāibar to the Jews on the condition that they work on it and cultivate it, and be given half of its yield.

٢٣٣١ - حَدَّثَنا مُحَمَّدُ بنُ مُقاتِلٍ: أخبَرَنا عَبْدُ اللهِ: أخبرنا عُبَيْدُ اللهِ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ أعْطَى خَيْبَرَ اليَهُودَ عَلى أنْ يَعْمَلُوها

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(1) (H. 2330) Sharecropping is not forbidden, but it is recommended that one should let his Muslim brethren utilize one's own land without charging them anything.

وَيَزْرَعُوهَا وَلَهُمْ شَطْرُ ما يَخْرُجُ مِنْها.

[راجع: ٢٢٨٥]

(12) CHAPTER. What conditions are disliked in share-cropping.

(١٢) بابُ ما يُكْرَهُ مِنَ الشُّرُوطِ في المُزَارَعَةِ

2332. Narrated Rāfi' رَضِيَ اللهُ عَنْهُ: We worked on farms more than anybody else in Al-Madīna. We used to rent the land and say to the owner, "The yield of this portion is for us and the yield of that portion is for you (as the rent)." One of those portions might yield something and the other might not. So, the Prophet ﷺ forbade us to do so.

٢٣٣٢ - حَدَّثَنَا صَدَقَةُ بنُ الفَضْلِ: أَخْبَرَنا ابنُ عُيَيْنَةَ، عَنْ يَحْيى: سَمِعَ حَنْظَلَةَ الزُّرَقِيَّ، عَنْ رَافِعٍ رَضِيَ اللهُ عَنْهُ قالَ: كُنَّا أَكْثَرَ أَهْلِ المَدِينَةِ حَقْلاً، وَكَانَ أَحَدُنا يُكْرِي أَرْضَهُ فَيَقُولُ: هٰذِهِ القِطْعَةُ لِي وهٰذِهِ لَكَ، فَرُبَّمَا أَخْرَجَتْ ذِهِ ولَمْ تُخْرِجْ ذِهِ، فَنَهاهُمُ النَّبِيُّ ﷺ.

[راجع: ٢٢٨٦]

(13) CHAPTER. If a person invests the money of someone else in cultivation without taking his permission and the enterprise effects profit, (to whom will the profit belong?).

(١٣) بابٌ إذَا زَرَعَ بِمَالِ قَوْمٍ بِغَيرِ إِذْنِهِمْ وكَانَ فِي ذٰلكَ صَلاحٌ لَهُمْ

2333. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "While three men were walking, it started raining and they took shelter (refuge) in a cave in a mountain. A big rock rolled down from the mountain and closed the mouth of the cave. They said to each other, 'Think of good deeds which you did for Allāh's sake only, and invoke Allāh by giving reference to those deeds so that He may remove this rock from you.' One of them said, 'O Allāh! I had old parents and small children and I used to graze the sheep for them. On my return to them in the evening, I used to milk (the sheep) and start providing my parents first of all before my children. One day I was delayed and came late at night and found my parents sleeping. I

٢٣٣٣ - حَدَّثَنَا إِبْرَاهِيمُ بنُ المُنْذِرِ: حدَّثَنا أَبُو ضَمْرَةَ: حدَّثَنا مُوسَى بنُ عُقْبَةَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ قَالَ: «بَيْنَمَا ثَلاثَةُ نَفَرٍ يَمْشُونَ أَخَذَهُمُ المَطَرُ فأَوَوْا إلى غارٍ في جَبَلٍ فانْحَطَّتْ عَلى فَمِ غارِهِمْ صَخْرَةٌ مِنَ الجَبَلِ فانْطَبَقَتْ عَلَيهِمْ، فَقالَ بَعْضُهُمْ لِبَعْضٍ: انْظُرُوا أَعْمَالاً عَمِلْتُمُوهَا صَالِحَةً للهِ فادْعُوا اللهَ بِها لَعَلَّهُ يُفَرِّجُها عَنْكُمْ. قالَ أَحَدُهُمْ:

milked (the sheep) as usual and stood by their heads. I hated to wake them up and disliked to give milk to my children before them, although my children were weeping (because of hunger) at my feet till the day dawned. O Allāh! If I did this for Your sake only, kindly remove the rock so that we could see the sky through it.' So, Allāh removed the rock a little and they saw the sky. The second man said, 'O Allāh! I was in love with a cousin of mine like the deepest love a man may have for a woman. I wanted to outrage her chastity but she refused unless I gave her one-hundred Dīnār. So, I struggled to collect that amount. And when I sat between her legs, she said: O Allāh's slave! Be afraid of Allāh and do not deflower me except rightfully (by legal marriage). So, I got up. O Allāh! If I did it for Your sake only, please remove the rock.' The rock shifted a little more. Then the third man said, 'O Allāh! I employed a labourer for a *Faraq* of rice and when he finished his job and demanded his right, I presented it to him, but he refused to take it. So, I sowed the rice many time till I gathered cows and their shepherd (from the yield). (Then after some time) he came and said to me: Fear Allāh (and give me my right). I said: Go and take those cows and the shepherd. He said: Be afraid of Allāh! Don't mock at me. I said: I am not mocking at you. Take (all that). So, he took all that. O Allāh! If I did that for Your sake only, please remove the rest of the rock.' So, Allāh removed the rock."

[Also see *Hadith* No.2272]

اللّٰهُمَّ إنَّهُ كانَ لي وَالِدانِ شَيْخانِ كَبِيرانِ وَلي صِبْيَةٌ صِغارٌ كُنْتُ أرْعىٰ عَلَيهِمْ، فإذَا رُحْتُ عَلَيهِمْ حَلَبْتُ فَبَدَأتُ بِوَالِدَيَّ أسْقِيهِمَا قَبْلَ بَنِيَّ، وإنِّي اسْتَأخَرْتُ ذَاتَ يَوْمٍ وَلَمْ آتِ حتَّى أمْسَيْتُ فَوَجَدْتُهُمَا نَامَا فَحَلَبْتُ كَمَا كُنْتُ أحْلُبُ فَقُمْتُ عِنْدَ رُؤُوسِهِمَا أكْرَهُ أنْ أُوقِظَهُمَا وأكْرَهُ أنْ أسْقِيَ الصِّبْيَةَ. والصِّبْيَةُ يَتَضاغَوْنَ عِنْدَ قَدَمَيَّ حتَّى طَلَعَ الفَجْرُ. فإنْ كُنْتَ تَعْلَمُ أنِّي فَعَلْتُهُ ابْتِغاءَ وَجْهِكَ فافْرُجْ لَنا فَرْجَةً نَرَى منها السَّمَاءَ، فَفَرَجَ اللهُ فَرَأَوُا السَّمَاءَ. وقالَ الآخَرُ: اللّٰهُمَّ إنَّها كانَتْ لي بِنْتُ عَمٍّ أحْبَبْتُها كَأشَدِّ ما يُحِبُّ الرِّجَالُ النِّسَاءَ فَطَلَبْتُ مِنْها فَأبَتْ عَلَيَّ حتَّى آتِيَهَا بِمِائَةِ دِينارٍ، فَبَغَيْتُ حتَّى جَمَعْتُها فَلَمَّا وقَعْتُ بَينَ رِجْلَيْهَا قالَتْ: يا عَبْدَ اللهِ، اتَّقِ اللهَ ولا تَفْتَحِ الْخَاتَمَ إلَّا بِحَقِّهِ، فَقُمْتُ. فإنْ كُنْتَ تَعْلَمُ أنِّي فَعَلْتُهُ ابْتِغاءَ وجْهِكَ فافْرُجْ عَنَّا فَرْجَةً، فَفَرَجَ. وقَالَ الثَّالِثُ: اللّٰهُمَّ إنِّي اسْتَأجَرْتُ أجِيراً بِفَرَقِ أرُزٍّ، فَلَمَّا قَضَى عَمَلَهُ فَقَالَ: أعْطِنِي حَقِّي، فَعَرَضْتُ عَلَيْهِ فَرَغِبَ عَنْهُ فَلَمْ أزَلْ أزْرَعُهُ حتَّى جَمَعْتُ مِنْهُ بَقَراً وَرُعَاتَهَا فَجَاءَني فَقالَ: اتَّقِ اللهَ، فَقُلْتُ: اذْهَبْ إلى ذٰلِكَ البَقَرِ وَرُعاتِها فَخُذْ، فَقَالَ: اتَّقِ

اللهَ ولا تَسْتَهْزِئْ بِي، فَقَالَ: إنِّي لا أَسْتَهْزِئُ بِكَ، فَخُذْ فَأَخَذَهُ. فإنْ كُنْتَ تَعْلَمُ أنِّي فَعَلْتُ ذٰلكَ ابْتِغاءَ وجْهِكَ فَافْرُجْ ما بَقِيَ، فَفَرَجَ اللهُ». قالَ أبُو عَبْدِ اللهِ: وقالَ إسْماعِيلُ بنُ إبراهِيمَ بنِ عُقْبَةَ، عَنْ نَافعٍ: «فَسَعَيْتُ». [راجع: ٢٢١٥]

(14) CHAPTER. The *Auqāf* (i.e., endowments) of the companions of the Prophet ﷺ and the land of *Kharāj* (*Zakāt*), the contracts of share-cropping and other agreements of the companions.

(١٤) بابُ أَوْقافِ أَصْحابِ النَّبيِّ ﷺ وأَرْضِ الخَراجِ ومُزَارَعَتِهِمْ ومُعامَلَتِهِمْ

The Prophet ﷺ said to 'Umar, "Give those trees as a whole in charity (as *Waqf*) so that those might not be sold but their fruits can be spent and given in charity." So, 'Umar gave those trees in charity.

وقالَ النَّبيُّ ﷺ لِعُمَرَ: «تَصَدَّقْ بِأَصْلِهِ، لا يُباعُ ولٰكِنْ يُنْفَقُ ثَمَرُهُ»، فَتَصَدَّقَ بِهِ.

2334. Narrated Zaid bin Aslam on the authority of his father: 'Umar رَضِيَ اللهُ عَنْهُ said, "But for the future Muslim generations, I would have distributed the land of the villages I conquer among the soldiers as the Prophet ﷺ distributed the land of Khaibar."[1]

٢٣٣٤ - حَدَّثَنا صَدَقَةُ: أخْبَرَنا عَبْدُ الرَّحْمٰنِ، عَنْ مَالكٍ، عَنْ زَيْدِ بنِ أسْلَمَ، عَنْ أبِيهِ قالَ: «قالَ عُمَرُ رَضِيَ اللهُ عَنْهُ: لَوْلَا آخِرُ المُسْلِمِينَ ما فَتَحْتُ قَرْيَةً إلَّا قَسَمْتُها بَيْنَ أَهْلِها كَمَا قَسَمَ النَّبيُّ ﷺ خَيْبَرَ». [انظر: ٣١٢٥، ٤٢٣٥، ٤٢٣٦]

(15) CHAPTER. Whoever cultivates neglected uncultivated land belonging to nobody (will own it).

(١٥) بابُ مَنْ أحيا أرْضاً مَوَاتاً

'Alī رَضِيَ اللهُ عَنْهُ had the same opinion concerning such land in Kūfa. 'Umar said, "Whoever cultivates uncultivated land (belonging to nobody) will possess it." 'Umar and Ibn 'Aūf narrated the same from

ورَأى ذٰلكَ عَلِيٌّ رَضِيَ اللهُ عَنْهُ في أَرْضِ الخَرَابِ بالكُوفَةِ. وقالَ عُمَرُ: مَنْ أَحْيَا أرْضاً مَيِّتَةً فَهِيَ لَهُ، ويُرْوَى عَنْ عَمْرِو بنِ عَوْفٍ عَنِ النَّبيِّ

(1) (H. 2334) 'Umar رَضِيَ اللهُ عَنْهُ meant to keep the land as *Waqf* for the Muslims to benefit by through the *Kharāj* (*Zakāt* of cultivated land).

the Prophet ﷺ adding, "... provided that the land does not belong to any Muslim; otherwise one has no right to plant anything in it oppressively."

ﷺ، وقَالَ: «في غَيرِ حَقِّ مُسْلِمٍ، ولَيْسَ لِعِرْقٍ ظالمٍ فِيهِ حَقٌّ». ويُرْوَى فِيهِ عَنْ جابِرٍ عَنِ النَّبِيِّ ﷺ.

2335. Narrated 'Āishah رَضِيَ اللهُ عَنْها: The Prophet ﷺ said, "He who cultivates land that does not belong to anybody is more rightful (to own it)." 'Urwa said, " 'Umar gave the same verdict in his caliphate."

٢٣٣٥ - حَدَّثَنا يَحْيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُبَيْدِ اللهِ بنِ أبي جَعْفَرٍ، عَنْ مُحَمَّدِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها عَنِ النَّبِيِّ ﷺ قالَ: «مَنْ أعْمَرَ أرْضاً لَيْسَتْ لِأَحَدٍ فَهُوَ أحَقُّ»، قالَ عُرْوَةُ: قَضَى بِهِ عُمَرُ رَضِيَ اللهُ عَنْهُ في خِلافَتِهِ.

(16) CHAPTER:

(١٦) بابٌ:

2336. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: While the Prophet ﷺ was passing the night at his place of rest in Dhul-Hulaifa in the bottom of the valley (of Al-'Aqīq), he saw a dream and it was said to him, "You are in a blessed valley." Mūsa said, "Sālim let our camels kneel at the place where 'Abdullāh used to make his camel kneel, seeking the place where Allāh's Messenger ﷺ used to take a rest, which is situated below the mosque which is in the bottom of the valley; it is midway between the mosque and the road."

٢٣٣٦ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا إسْمَاعِيلُ بنُ جَعْفَرٍ، عَنْ مُوسَى بنِ عُقْبَةَ، عَنْ سالمِ ابنِ عَبْدِ اللهِ بنِ عُمَرَ عَنْ أبِيهِ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبِيَّ ﷺ أُرِيَ وهُوَ في مُعَرَّسِهِ بِذِي الحُلَيْفَةِ في بَطْنِ الوَادِي، فَقِيلَ لَهُ: إنَّكَ بِبَطْحَاءَ مُبارَكَةٍ. فَقالَ مُوسَى: وَقَدْ أناخَ بِنا سالمٌ بالمُناخِ الَّذي كانَ عَبْدُ اللهِ يُنِيخُ بِهِ يَتَحَرَّى مُعَرَّسَ رَسُولِ اللهِ ﷺ وَهُوَ أسْفَلُ مِنَ المَسْجِدِ الَّذي بِبَطْنِ الوَادِي، بَيْنَهُ وبَيْنَ الطَّرِيقِ وسَطٌ مِنْ ذٰلكَ. [راجع: ٤٨٣]

2337. Narrated 'Umar رَضِيَ اللهُ عَنْهُ: While the Prophet ﷺ was in Al-'Aqīq he said, "Someone [meaning Jibrīl (Gabrīel)] came to me from my Lord tonight (in my dream) and said, 'Offer the *Ṣalāt* (prayer) in this blessed valley and say (I intend to perform) *'Umra*

٢٣٣٧ - حَدَّثَنا إسحَاقُ بنُ إبْرَاهِيمَ: أخْبَرَنا شُعَيْبُ بنُ إسحَاقَ، عَنِ الأوْزَاعِيِّ قالَ: حدَّثَني يَحْيى عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ، عَنْ عُمَرَ

along with *Ḥajj* (together).'"

رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «اللَّيْلَةَ أَتَانِي آتٍ مِنْ رَبِّي وهُوَ بالعَقِيقِ أنْ صَلِّ فِي هٰذَا الوَادِي المُبارَكِ، وقُلْ: عُمْرَةٌ في حَجَّةٍ».

[راجع: ١٥٣٤]

(17) CHAPTER. If the owner of the land (says to the tenant), "I let you utilize the land as long as Allāh permits you," and does not mention a specific time for the expiration of the lease, then the lease can be continued according to the approval of both the parties.

(١٧) بابٌ إذَا قَالَ رَبُّ الأرْضِ: أُقِرُّكَ ما أقَرَّكَ اللهُ، ولَمْ يَذْكُرْ أجَلاً مَعْلُوماً، فَهُما عَلى تَراضِيهِمَا

2338. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: 'Umar رَضِيَ اللهُ عَنْهُ expelled the Jews and the Christians from Ḥijāz. When Allāh's Messenger ﷺ had conquered Khaibar, he wanted to expel the Jews from it as its land became the property of Allāh, His Messenger, and the Muslims.

Allāh's Messenger ﷺ intended to expel the Jews but they requested him to let them stay there on the condition that they would do the labour and get half of the fruits.

Allāh's Messenger ﷺ told them, "We will let you stay on this condition, as long as we wish." So, they (i.e., Jews) kept on living there until 'Umar forced them to go towards Taimā' and Arīḥā'.

٢٣٣٨ - حَدَّثَنَا أحْمَدُ بنُ المِقْدَامِ: حدَّثنا فُضَيْلُ بنُ سُلَيمانَ: حدَّثَنا مُوسَى: أخْبرَنا نافِعٌ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: كانَ رَسُولُ اللهِ ﷺ... وقالَ عَبْدُ الرَّزَّاقِ: أخْبرَنا ابنُ جُرَيْجٍ قالَ: حدَّثني مُوسَى بنُ عُقْبَةَ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ: أنَّ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ أجْلَى اليَهُودَ والنَّصارَى منْ أرْضِ الحِجازِ. وكانَ رَسُولُ اللهِ ﷺ لَمَّا ظَهَرَ عَلى خَيْبَرَ أرَادَ إخْرَاجَ اليَهُودِ مِنْها وكَانَتِ الأرْضُ حِينَ ظَهَرَ عَلَيها، للهِ ولِرَسُولِهِ ﷺ ولِلْمُسْلِمِينَ. وأرَادَ إخْرَاجَ الْيَهُودِ مِنْها فَسَألَتِ الْيَهُودُ رَسُولَ اللهِ ﷺ لِيُقِرَّهُمْ بِها أنْ يَكْفُوا عَمَلَها وَلَهُمْ نِصْفُ الثَّمرِ، فَقالَ لَهُمْ رَسُولُ اللهِ ﷺ: «نُقِرُّكُمْ بِهَا عَلى ذٰلكَ ما شِئْنا». فَقَرُّوا بِها حَتَّى أجْلَاهُمْ عُمَرُ إلى تَيمَاءَ وأرِيحاءَ. [راجع: ٢٢٨٥]

(18) CHAPTER. The Companions of the Prophet ﷺ used to share the yields and fruits of their farms with each other gratis.

(١٨) **بابٌ** ما كانَ مِن أصْحابِ النَّبِيِّ ﷺ يُواسِي بَعضُهمْ بَعْضاً في الزِّراعَةِ والثَّمرِ

2339. Narrated Rāfi'bin Khadīj رَضِيَ اللهُ عَنْهُ: My uncle Ẓuhair said, "Allāh's Messenger ﷺ forbade us to do a thing which was a source of help to us." I said, "Whatever Allāh's Messenger ﷺ said was right." He said, "Allāh's Messenger ﷺ sent for me and asked, 'What are you doing with your farms?' I replied, We give our farms on rent on the basis that we get the yield produced at the banks of the water streams (rivers) for the rent, or rent it for some *Wasq* of barley and dates.'[1] Allāh's Messenger ﷺ said, 'Do not do so, but cultivate (the land) yourselves or let it be cultivated by others gratis, or keep it uncultivated.' I said, 'We hear and obey.'"

[See *Ḥadīth* No.2346, 2447].

٢٣٣٩ - حَدَّثَنا مُحَمَّدُ بنُ مُقاتِلٍ: أخبرَنا عَبْدُ اللهِ: أخبرَنا الأوْزاعِيُّ عَنْ أبي النَّجاشِيِّ مَوْلى رَافِعِ بنِ خَدِيجٍ: سَمِعْتُ رَافِعَ بنَ خَدِيجِ بنِ رَافِعٍ، عَنْ عَمِّهِ ظُهَيرِ بنِ رَافِعٍ قالَ ظُهَيرٌ: لَقَدْ نَهانَا رَسُولُ اللهِ ﷺ عَنْ أمْرٍ كانَ بِنا رَافِقاً، قُلْتُ: ما قالَ رَسُولُ اللهِ ﷺ فَهُوَ حَقٌّ، قالَ: دَعَاني رَسُولُ اللهِ ﷺ، قالَ: «ما تَصْنَعُونَ بِمَحَاقِلِكُمْ؟» قُلْتُ: نُؤَاجِرُهَا عَلَى الرَّبِيعِ وعَلى الأوْسُقِ مِنَ التَّمْرِ والشَّعِيرِ. قالَ: «لا تَفْعَلُوا، ازْرَعُوها، أو أزْرِعُوها أوْ أمْسِكُوهَا». قالَ رَافِعٌ: قُلْتُ: سَمْعاً وطاعَةً. [انظر: ٢٣٤٦، ٤٠١٢]

2340. Narrated Jābir رَضِيَ اللهُ عَنْهُ: The people used to rent their land for cultivation for one-third, one-fourth or half its yield. The Prophet ﷺ said, "Whoever has land should cultivate it himself or give it to his (Muslim) brother gratis for cultivation; otherwise keep it uncultivated."

٢٣٤٠ - حَدَّثَنَا عُبَيْدُ اللهِ بنُ مُوسَى: أخْبرَنا الأوْزاعيُّ عَنْ عَطاءٍ عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: كانُوا يَزْرَعُونَها بالثُّلُثِ والرُّبُعِ والنِّصْفِ، فَقالَ النَّبِيُّ ﷺ: «مَنْ كانَتْ لَه أرْضٌ فَلْيَزْرَعْها أوْ لِيَمْنَحْهَا فإنْ لَمْ يَفْعَلْ فَلْيُمْسِكْ أرْضَهُ». [انظر: ٢٦٣٢]

2341. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ:

٢٣٤١ - وقالَ الرَّبِيعُ بنُ نافعٍ أبُو

(1) (H. 2339) The majority of the religious scholars agree that to rent the land for its yields was not allowed by the Prophet ﷺ, but to rent it for money was allowed. See *Fatḥ Al-Bārī*.

تَوْبَةَ: حدَّثَنا مُعَاوِيَةُ، عَنْ يَحْيى، عَنْ أبي سَلَمَةَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَتْ لَهُ أرْضٌ فَلْيَزْرَعْها أوْ لِيَمْنَحْهَا أخاهُ فإنْ أبىٰ فَلْيُمْسِكْ أرْضَهُ».

Allāh's Messenger ﷺ said, "Whoever has land should cultivate it himself or give it to his (Muslim) brother gratis for cultivation; otherwise he should keep it uncultivated."

[See *Hadith* No.2346, 2347].

٢٣٤٢ - حَدَّثَنا قَبِيصَةُ: حدَّثَنا سُفْيانُ عَنْ عَمْرٍو قالَ: ذَكَرْتُهُ لطاوُسٍ فَقالَ: يُزْرِعُ. قالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أنَّ النَّبيَّ ﷺ لَمْ يَنْهَ عَنْهُ، ولٰكِنْ قَالَ: «أَن يَمْنَحَ أحَدُكُمْ أخاهُ خَيرٌ لَهُ مِنْ أنْ يَأخُذَ شَيْئاً مَعْلُوماً». [راجع: ٢٣٣٠]

2342. Narrated 'Amr: When I mentioned it (i.e., the narration of Rāfi' bin Khadīj. No.2339) to Ṭāwūs, he said, "It is permissible to rent the land for cultivation, for Ibn 'Abbās رَضِيَ اللهُ عَنْهُما said, 'The Prophet ﷺ did not forbid that, but said: One had better give the land to one's brother gratis rather than charge a certain amount for it.'"

٢٣٤٣ - حَدَّثَنا سُلَيمانُ بنُ حَرْبٍ: حدَّثَنا حَمَّادٌ، عَنْ أيُّوبَ، عَنْ نافِعٍ: أنَّ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما كَانَ يُكْرِي مَزارِعَهُ عَلى عَهْدِ النَّبِيِّ ﷺ وأبي بَكْرٍ وعُمَرَ وعُثْمانَ وصَدْراً مِنْ إمارَةِ مُعَاوِيَةَ. [انظر: ٢٣٤٥]

2343. Narrated Nāfi': Ibn 'Umar رَضِيَ اللهُ عَنْهُما used to rent his farms in the time of Abū Bakr, 'Umar, 'Uthmān, and in the early days of Mu'āwīyā.

٢٣٤٤ - ثُمَّ حُدِّثَ عَنْ رَافِعِ بنِ خَدِيجٍ: «أنَّ النَّبِيَّ ﷺ نَهى عَنْ كِراءِ المَزارِعِ، فَذَهَبَ ابنُ عُمَرَ إلىٰ رَافِعٍ فَذَهَبْتُ مَعَهُ فَسَأَلَهُ فَقَالَ: نَهى النَّبِيُّ ﷺ عَنْ كِرَاءِ المَزَارِعِ. فَقَالَ ابنُ عُمَرَ: قَدْ عَلِمْتَ أنَّا كُنَّا نُكْرِي مَزَارِعَنا عَلى عَهْدِ رَسُولِ اللهِ ﷺ بِما عَلى الأَرْبِعاءِ وبِشَيءٍ مِنَ التِّبنِ». [راجع: ٢٢٨٦]

2344. Then he was told the narration of Rāfi' bin Khadīj that the Prophet ﷺ had forbidden the renting of farms. Ibn 'Umar went to Rāfi' and I accompanied him. He asked Rāfi' who replied that the Prophet ﷺ had forbidden the renting of farms. Ibn 'Umar said, "You know that we used to rent our farms in the lifetime of Allāh's Messenger ﷺ for the yield of the banks of the water streams (rivers) and for certain amount of figs.

[And in some copies of *Sahih Al-Bukhārī* it is written "***At-Tibn***" i.e., chopped straw instead of figs.]

2345. Narrated Sālim: 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما said, "I knew that the land was rented for cultivation in the lifetime of Allāh's Messenger ﷺ." Later on Ibn 'Umar was afraid that the Prophet ﷺ had forbidden it, and he had no knowledge of it, so he gave up renting his land.

٢٣٤٥ - حَدَّثَنَا يَحْيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ: أَخْبَرَني سالِمٌ: أَنَّ عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: «كُنْتُ أَعْلَمُ في عَهْدِ رَسُولِ اللهِ ﷺ أَنَّ الأَرْضَ تُكْرَى، ثُمَّ خَشِيَ عَبْدُ اللهِ أَنْ يَكُونَ النَّبيُّ ﷺ قَدْ أَحْدَثَ فِي ذٰلِكَ شَيْئاً لَمْ يَكُنْ يَعْلَمُهُ، فَتَرَكَ كِراءَ الأَرْضِ». [راجع: ٢٣٤٣]

(19) CHAPTER. To rent the land for gold and silver.

(١٩) بابُ كِرَاءِ الأَرْضِ بالذَّهَبِ والفِضَّةِ

Ibn 'Abbās said, "The best thing to do is to take the uncultivated land on yearly rental basis."

وقالَ ابنُ عَبَّاسٍ: إنَّ أَمْثَلَ ما أَنْتُمْ صَانِعُونَ أَنْ تَسْتَأْجِرُوا الأَرْضَ البَيْضَاءَ مِنَ السَّنَةِ إلى السَّنَةِ.

2346, 2347. Narrated Ḥanẓla bin Qais: Rāfi' bin Khadīj said, "My two uncles told me that they (i.e., the companions of the Prophet ﷺ) used to rent the land in the lifetime of the Prophet ﷺ for the yield on the banks of water streams (rivers), or for a portion of the yield stipulated by the owner of the land. The Prophet ﷺ forbade it." I said to Rāfi', "What about renting the land for Dīnār and Dirham?" He replied, "There is no harm in renting for Dīnār-Dirham. Al-Laith said, "If those who have discernment for distinguishing what is legal from what is illegal looked into what has been forbidden concerning this matter, they would not permit it; for it is surrounded with dangers."[1]

٢٣٤٦، ٢٣٤٧ - حَدَّثَنا عَمْرُو بنُ خالِدٍ: حدَّثَنا اللَّيْثُ، عَنْ رَبِيعَةَ بنِ أبي عَبْدِ الرَّحْمٰنِ، عَنْ حَنْظَلَةَ بنِ قَيْسٍ، عَنْ رَافِعِ بنِ خَدِيجٍ قالَ: حدَّثَني عَمَّايَ أَنَّهُمْ كانُوا يُكْرُونَ الأَرْضَ عَلى عَهْدِ النَّبيِّ ﷺ بِما يَنْبُتُ عَلى الأَرْبِعاءِ أَوْ شَيْءٍ يَسْتَثْنِيهِ صَاحِبُ الأَرْضِ، فَنَهى النَّبيُّ ﷺ عَنْ ذٰلِكَ. فَقُلْتُ لِرَافِعٍ: فَكَيْفَ هِيَ بالدِّينارِ والدِّرْهَمِ؟ فَقالَ رَافِعٌ: لَيْسَ بِها بَأْسٌ بالدِّينارِ وَالدِّرْهَمِ. وقالَ

(1) (H. 2346) Al-Laith agrees in the *Ḥadīth* with the common opinion of the scholars who think that renting the land is forbidden if it leads to arrogance and mischief; the principle of renting is not illegal. The scholars differ as to what ways of renting are permissible. And the majority of the religious scholars agree that to rent the land for=

اللَّيْثُ: وكانَ الَّذِي نُهِيَ مِنْ ذٰلِكَ ما لَوْ نَظَرَ فِيهِ ذَوُو الفَهْمِ بالحَلالِ وَالحَرَامِ لَمْ يُجِيزُوهُ لِمَا فِيهِ مِنَ الْمُخَاطَرَةِ. [راجع: ٢٣٣٩، وانظر: ٤٠١٣]

(20) CHAPTER:

(٢٠) بابٌ:

2348. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Once the Prophet ﷺ was narrating (a story), while a bedouin was sitting with him. (saying), "One of the inhabitants of Paradise will ask Allāh to allow him to cultivate the land. Allāh will ask him, 'Are you not living in the pleasures you like?' He will say, 'Yes, but I like to cultivate the land.'" The Prophet ﷺ added, "When the man (will be permitted he) will sow the seeds and the plants will grow up and get ripe, ready for reaping and so on till it will be as huge as mountains within a wink. Allāh will then say to him, 'O son of Adam! Here you are. Take it and gather (the yield); nothing satisfies you'." On that, the bedouin said, "The man must be either from Quraish (i.e., an emigrant) or an *Anṣārī*, for they are farmers, whereas we are not farmers." The Prophet ﷺ smiled (at this).

٢٣٤٨ - حَدَّثَنَا مُحَمَّدُ بنُ سِنان: حدَّثنا فُلَيْحٌ: حدَّثنا هِلالٌ. ح وحدَّثَني عَبْدُ اللهِ ابنُ مُحَمَّدٍ: حدَّثَنا أبُو عامِرٍ: حدَّثنا فُلَيْحٌ؛ عَنْ هِلالِ بنِ عَلِيٍّ، عَنْ عَطاءِ بنِ يَسارٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبيَّ ﷺ كانَ يَوْماً يُحَدِّثُ، وعِنْدَهُ رَجُلٌ مِنْ أهْلِ البادِيَةِ «أنَّ رَجُلاً مِنْ أهْلِ الجَنَّةِ اسْتَأْذَنَ رَبَّهُ في الزَّرْعِ فَقَالَ لَهُ: ألَسْتَ فِيمَا شِئْتَ؟ قَالَ: بَلى وَلٰكِنْ أُحِبُّ أنْ أزْرَعَ. قالَ: فَبَذَرَ فَبادَرَ الطَّرْفَ نَباتُهُ واسْتِوَاؤُهُ واسْتِحْصَادُهُ فَكَانَ أمْثَالَ الْجِبالِ، فَيَقُولُ اللهُ تَعالَى: دُونَكَ يا ابنَ آدَمَ فإنَّهُ لا يُشْبِعُكَ شَيْءٌ». فَقالَ الأعْرَابيُّ: واللهِ لا نَجِدُهُ إلَّا قُرَشِيًّا أوْ أنْصارِيّاً فإنَّهُمْ أصْحابُ زَرْعٍ، وأمَّا نَحْنُ فَلَسْنا بأصْحابِ زَرْعٍ، فَضَحِكَ النَّبِيُّ ﷺ. [انظر: ٧٥١٩]

(21) CHAPTER. What is said about planting trees.

(٢١) بابُ ما جاءَ في الغَرْسِ

=its yields was not allowed by the Prophet ﷺ but to rent it for money was allowed. (*Fatḥ Al-Bārī*)

2349. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: We used to be very happy on Friday as an old lady used to cut some roots of the *Silq*, which we used to plant on the banks of our small water streams, and cook them in a pot of her's, adding to them, some grains of barley. [Ya'qūb, the sub-narrator said, "I think the narrator mentioned that the food did not contain fat or melted fat (taken from meat)."] When we offered the Friday prayer we would go to her and she would serve us with the dish. So, we used to be happy on Fridays because of that. We used not to take our meals or the midday nap except after the *Jumu'ah* prayer.

٢٣٤٩ - حَدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا يَعْقُوبُ، عَنْ أبي حازِمٍ، عَنْ سَهْلِ بنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ أنَّهُ قالَ: إنْ كُنَّا لَنَفْرَحُ بِيَوْمِ الجُمُعَةِ، كانَتْ لَنا عَجوزٌ تَأْخُذُ مِنْ أُصُولِ سِلْقٍ لَنا كُنَّا نَغْرِسُهُ في أَرْبِعَائِنا فَتَجْعَلُهُ في قِدْرٍ لَهَا، فَتَجْعَلُ فِيهِ حَبَّاتٍ مِنْ شَعِيرٍ - لا أعْلَمُ إلَّا أنَّهُ قالَ: لَيْسَ فِيهِ شَحْمٌ ولا وَدَكٌ - فإذَا صَلَّيْنا الجُمُعَةَ زُرْناهَا فَقرَّبَتْهُ إلَيْنا، فَكُنَّا نَفْرَحُ بِيَوْمِ الجُمُعَةِ مِنْ أجْلِ ذٰلكَ وما كُنَّا نَتَغَدَّى ولا نَقِيلُ إلَّا بَعْدَ الجُمُعَةِ. [راجع: ٩٣٨]

2350. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The people say that Abū Hurairah narrates too many narrations. In fact Allāh knows whether I say the truth or not. They also say: "Why do the emigrants and the *Anṣār* not narrate as he does?" In fact, my emigrant brethren were busy trading in the markets, and my *Anṣār* brethren were busy with their properties. I was a poor man keeping the company of Allāh's Messenger ﷺ and was satisfied with what filled my stomach. So, I used to be present while they (i.e., the emigrants and the *Anṣār*) were absent, and I used to remember while they forgot (the *Ḥadīth*). One day the Prophet ﷺ said, "Whoever spreads his sheet till I finish this statement of mine and then gathers it over his chest, will never forget anything of my statement." So, I spread my covering sheet which was the only garment I had, till the Prophet ﷺ finished his statement and then I gathered it over my chest. By Him Who had sent him (i.e., Allāh's Messenger ﷺ) with the truth, since then I did not forget even a

٢٣٥٠ - حَدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثَنا إبْراهِيمُ بنُ سَعْدٍ، عَنِ ابنِ شِهابٍ، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: يَقُولُونَ: إنَّ أبَا هُرَيْرَةَ يُكْثِرُ، واللهُ المَوْعِدُ، ويَقُولُونَ: مَا لِلْمُهاجِرِينَ والأنْصارِ لا يُحَدِّثُونَ مِثْلَ أحادِيثِهِ؟ وإنَّ إخْوَتِي مِنَ المُهاجِرِينَ كانَ يَشْغَلُهُمُ الصَّفْقُ بالأسْوَاقِ، وإنَّ إخْوَتِي مِنَ الأنْصارِ كانَ يَشْغَلُهُمْ عَمَلُ أمْوَالِهِمْ، وكُنْتُ امْرَأً مِسْكِيناً ألْزَمُ رَسُولَ اللهِ ﷺ على مِلءِ بَطْنِي. فَأحْضُرُ حِينَ يَغِيبُونَ، وأعِي حِينَ يَنْسَوْنَ. وقَالَ النَّبِيُّ ﷺ يَوْماً: «لَنْ يَبْسُطَ أحَدٌ مِنْكُمْ ثَوْبَهُ حَتَّى أقْضِيَ مَقالَتِي هٰذِهِ ثُمَّ يَجْمَعَهُ إلى صَدْرِهِ

فَيَنسَى مِنْ مَقَالَتِي شَيْئاً أَبَداً». فَبَسَطْتُ نَمِرَةً لَيْسَ عَلَيَّ ثَوْبٌ غَيرُهَا حتَّى قَضَى النَّبِيُّ ﷺ مَقَالَتَهُ ثُمَّ جَمَعْتُها إلىٰ صَدْرِي، فَوَالَّذِي بَعَثَهُ بالحقِّ ما نَسِيتُ مِنْ مَقالَتِهِ تِلكَ إلى يَوْمِي هٰذَا. واللهِ لَوْلا آيتَانِ في كتابِ اللهِ ما حدَّثْتُكُمْ شَيْئاً أبداً ﴿إِنَّ ٱلَّذِينَ يَكْتُمُونَ مَآ أَنزَلْنَا مِنَ ٱلْبَيِّنَٰتِ وَٱلْهُدَىٰ﴾ إلى قَوْلِه: ﴿ٱلرَّحِيمُ﴾ [البقرة: ١٥٩ - ١٦٠]. [راجع: ١١٨]

single word of that statement of his, till this day of mine. By Allāh, but for two Verses in Allāh's Book, I would never have related any narration (from the Prophet ﷺ)." (These two Verses are): "Verily, those who conceal the clear proofs, evidences and the guidance, which we have sent down... (up to)... the Most Merciful." (V.2:159, 160)

42 – THE BOOK OF WATERING

٤٢ - كتاب المُسَاقاةِ

CHAPTER. The Statement of Allāh تعالى: "... And We have made from water every living thing. Will they not then believe." (V.21:30)
And His Statement: "Then tell me about the water that you drink. Is it you who cause it from the rainclouds to come down, or are We the Causer of it to come down? If We willed, We verily could make it salt (and undrinkable), why then do you not give thanks (to Allāh)?" (V.56:68-70).

بابٌ في الشُّرْب وقَوْلِ اللهِ تعالى: ﴿وَجَعَلْنَا مِنَ ٱلْمَآءِ كُلَّ شَىْءٍ حَىٍّ أَفَلَا يُؤْمِنُونَ﴾ [الأنبياء: ٣٠] وقَوْلِهِ جَلَّ ذِكْرُهُ: ﴿أَفَرَءَيْتُمُ ٱلْمَآءَ ٱلَّذِى تَشْرَبُونَ ﴿٦٨﴾ ءَأَنتُمْ أَنزَلْتُمُوهُ مِنَ ٱلْمُزْنِ أَمْ نَحْنُ ٱلْمُنزِلُونَ ﴿٦٩﴾ لَوْ نَشَآءُ جَعَلْنَٰهُ أُجَاجًا فَلَوْلَا تَشْكُرُونَ ﴿٧٠﴾﴾ [الواقعة: ٦٨-٧٠]
﴿أُجَاجًا﴾: مُنْصَبّاً ﴿ٱلْمُزْنِ﴾: السحاب ﴿فُرَاتًا﴾: عَذْباً.

(1) CHAPTER. Whoever thinks that giving water in charity, or as a gift or by way of a testament is permissible, whether it is divided or not.[1]

(١) بابٌ مَنْ رَأى صَدَقَةَ المَاءِ وهِبَتَهُ ووَصِيَّتَهُ جائِزَةً، مَقْسوماً كانَ أوْ غيرَ مَقْسُوم

Narrated 'Uthmān رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "Who will buy the well of *Rūmah* (a well-known well in Al-Madīna) (and endow it for the good of Muslims) so that he may use it as the other Muslims do without any privilege?" 'Uthmān رَضِيَ الله عَنْهُ bought it.

وقالَ عُثمانُ: قالَ النَّبِيُّ ﷺ: «مَنْ يَشْتَري بِئْرَ رُومَةَ فَيَكُونُ دَلْوُهُ فِيها كَدِلاءِ المُسْلِمِينَ؟ فَاشْتَرَاهَا عُثمانُ رَضِيَ اللهُ عَنْهُ.

2351. Narrated Sahl bin Sa'd رَضِيَ الله عَنْهُ: A tumbler (full of milk or water) was brought to the Prophet ﷺ who drank from it, while on his right side there was sitting a boy who was the youngest of those who were present, and on his left side there were old men. The Prophet ﷺ asked, "O boy, will you allow me to give it (i.e., the rest of the drink) to the old men?" The boy said, "O Allāh's Messenger! I will not give preference to anyone over me to drink the rest of it from which you have

٢٣٥١ - **حَدَّثَنَا** سَعِيدُ بنُ أبي مَرْيَمَ: حدَّثنا أبو غَسَّانَ قالَ: حدَّثني أبو حازِمٍ. عَنْ سَهلِ بنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ قالَ: أُتِيَ النَّبِيُّ ﷺ بِقَدَحٍ فَشَرِبَ مِنْهُ وعَنْ يَمِينِهِ غُلامٌ أصْغَرُ القَوْمِ وَالأشْياخُ عَنْ يَسارِهِ، فَقالَ: «يا غُلامُ، أتأذَنُ لي أنْ أُعْطِيَهُ الأشْياخَ؟» قالَ: ما كُنْتُ لِأُوثِرَ

(1) (Ch. 1) *Al-Bukhārī* wants to refute the opinions of those who think that water cannot be possessed. (*Fath Al-Bārī*).

drunk." So, the Prophet ﷺ gave it to him.

بِفَضْلي مِنْكَ أَحَداً يا رَسُولَ اللهِ، فأَعْطاهُ إيَّاهُ. [انظر: ٢٣٦٦، ٢٤٥١، ٢٦٠٢، ٢٦٠٥، ٥٦٢٠]

2352. Narrated Az-Zuhrī: Anas bin Mālik رَضِيَ اللهُ عَنْهُ said that once a domestic sheep was milked for Allāh's Messenger ﷺ while he was in the house of Anas bin Mālik. The milk was mixed with water drawn from the well in Anas' house. A tumbler of it was presented to Allāh's Messenger ﷺ who drank from it. Then Abū Bakr was sitting on his left side and a bedouin on his right side. When the Prophet ﷺ removed the tumbler from his mouth, 'Umar was afraid that the Prophet ﷺ might give it to the bedouin, so he said, "O Allāh's Messenger! Give it to Abū Bakr who is sitting by your side." But the Prophet ﷺ gave it to the bedouin, who was to his right and said, "You should start with the one on your right side."

٢٣٥٢ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: حدَّثَني أَنَسُ ابنُ مالِكٍ رَضِيَ اللهُ عَنْهُ: أنَّهُ حُلِبَتْ لِرَسُولِ اللهِ ﷺ شَاةٌ دَاجِنٌ وَهِيَ في دَارِ أَنَسِ بنِ مالِكٍ. وشِيبَ لَبَنُهَا بِماءٍ مِنَ البِئْرِ الَّتِي في دَارِ أَنَسٍ، فَأَعْطَى رَسُولَ اللهِ ﷺ القَدَحَ فَشَرِبَ مِنْهُ حتَّى إذَا نَزَعَ القَدَحَ عَنْ فِيهِ وعَلَى يَسارِهِ أَبُو بَكْرٍ، وعَنْ يَمِينِهِ أَعْرَابِيٌّ. فَقالَ عُمَرُ وَخَافَ أَنْ يُعْطِيَهُ الأَعْرَابِيَّ: أَعْطِ أَبا بَكْرٍ يا رَسُولَ اللهِ عِنْدَكَ، فأَعْطاهُ الأَعْرَابِيَّ الَّذِي عن يَمِينِهِ، ثُمَّ قالَ: «الأَيْمَنَ فَالأَيْمَنَ». [انظر: ٢٥٧١، ٥٦١٢، ٥٦١٩]

(2) CHAPTER. Whoever said, "The owner of the water has the right to drink till he is satisfied, as the Prophet ﷺ said, 'Superfluous water should not be withheld from others.'"

(٢) بابٌ مَنْ قالَ: إنَّ صَاحِبَ المَاءِ أَحَقُّ بالْمَاءِ حتَّى يَرْوَى لِقَوْلِ النَّبِيِّ ﷺ: لا يُمْنَعُ فَضْلُ المَاءِ

2353. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Do not withhold the superfluous water, for that will prevent people from grazing their cattle."[1]

٢٣٥٣ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ أَبي الزِّنادِ، عَنِ الأَعْرَجِ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ

(1) (H. 2353) This *Hadīth* means that if one has a well near which there is a pasture and there is no other source of water in the area, one should not withhold the water from the sheep grazing there, for that would make it impossible for the sheep to graze there as they would be in great need of water after grazing. So, to withhold the water means to prevent sheep from grazing as well. (*Fath Al-Bārī*).

قالَ: «لا يُمْنَعُ فَضْلُ المَاءِ لِيُمْنَعَ بِهِ الكَلأُ». [انظر: ٢٣٥٤، ٦٩٦٢]

٢٣٥٤ - حَدَّثَنَا يَحْيى بنُ بُكَيرٍ: حدَّثنا اللَّيْثُ عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، عَنِ ابنِ المُسَيَّبِ وأَبي سَلَمَةَ عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «لا تَمْنَعُوا فَضْلَ المَاءِ لِتَمْنَعُوا بِهِ فَضْلَ الكَلَأِ». [راجع: ٢٣٥٣]

2354. Narrated Abū Hurairah رَضِيَ الله عَنْه that Allāh's Messenger ﷺ said, "Do not withhold the superfluous water in order to withhold the superfluous grass."

(٣) بابٌ مَنْ حفَرَ بِئْراً في مِلْكِهِ لَمْ يَضْمَنْ

(3) CHAPTER. If one digs a well in his own land and somebody falls in it and dies, the owner is not responsible.

٢٣٥٥ - حَدَّثَني مَحْمُودٌ: أخْبَرَنِي عُبَيْدُ اللهِ، عَنْ إسْرَائِيلَ، عَنْ أبي حَصِينٍ، عَنْ أبي صَالِحٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «المَعْدِنُ جُبَارٌ، وَالبِئْرُ جُبارٌ، والعَجْماءُ جُبارٌ، وفِي الرِّكازِ الخُمْسُ». [راجع: ١٤٩٩]

2355. Narrated Abū Hurairah رَضِيَ الله عَنْه: Allāh's Messenger ﷺ said, "No blood-money will be charged if somebody dies in a mine, or in a well, or is killed by an animal; and if somebody finds a treasure in his land he has to give one-fifth of it to the government."[1]

(٤) بابُ الخُصُومَةِ في البِئرِ والقَضاءِ فِيها

(4) CHAPTER. Disputes and controversies about wells and the settlement of such disputes and controversies.

٢٣٥٦، ٢٣٥٧ - حَدَّثَنَا عَبْدَانُ، عَنْ أَبي حَمْزَةَ، عَنِ الأعْمَشِ، عَنْ شَقِيقٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «مَنْ حَلَفَ عَلى

2356, 2357. Narrated 'Abdullāh (bin Mas'ūd) رَضِيَ الله عَنْه: The Prophet ﷺ said, "Whoever takes a false oath to deprive somebody of his property will meet Allāh while He will be angry with him."

Allāh revealed: "Verily, those who

(1) (H. 2355) The owner of the well is not responsible if somebody falls and dies in it, if the well is in his land or in uncultivated land belonging to nobody. (This is true concerning mines also.) But if the well is dug on the way of the Muslims or in the land of somebody else without his permission and somebody falls and dies in it, then the person who has dug the well has to pay blood-money.
If an animal has untied itself and kills somebody or spoils his property, the owner of the animal is not responsible unless he is present at the time of the accident. (*Al-Qasṭalānī*)

purchase a small gain at the cost of Allāh's Covenant, and their oaths..." (V.3:77)

Al-Ash'ath came (to the place where 'Abdullāh was narrating) and said, "What has Abū 'Abdur-Rahmān (i.e., 'Abdullāh) been telling you? This Verse was revealed concerning me. I had a well in the land of a cousin of mine. The Prophet ﷺ asked me to bring witnesses (to confirm my claim). I said, 'I do not have witnesses.' He said, 'Let the defendant take an oath then.' I said, 'O Allāh's Messenger! He will take a (false) oath immediately.' Then the Prophet ﷺ mentioned the above narration and Allāh revealed the Verse to confirm what he had said." (See *Hadīth* No.2515, 2516)

يَمِينٍ يَقْتَطِعُ بِها مالَ امْرِئٍ مُسْلِمٍ هُوَ عَلَيها فاجِرٌ، لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبانُ»، فأَنزَلَ اللهُ تَعالَى ﴿إِنَّ ٱلَّذِينَ يَشْتَرُونَ بِعَهْدِ ٱللَّهِ وَأَيْمَٰنِهِمْ ثَمَنًا قَلِيلًا﴾ الآيَةَ [آل عمران: ٧٧]. فَجاءَ الأشْعَثُ فَقالَ: ما حَدَّثَكُم أبُو عَبْدِ الرَّحْمٰنِ؟ فِيَّ أُنْزِلَتْ هٰذِهِ الآيَةُ. كانَتْ لِي بِئْرٌ في أرْضِ ابنِ عَمٍّ لي، فَقالَ لِي: «شُهُودَكَ» قُلْتُ: ما لِي شُهُودٌ، قالَ: «فَيَمِينُهُ»، قُلْتُ: يا رَسُولَ اللهِ إذاً يَحْلِفَ، فَذَكَرَ النَّبِيُّ ﷺ هٰذا الحَدِيثَ، فأنْزَلَ اللهُ ذٰلِكَ تَصْدِيقاً لَهُ». [الحديث: ٢٣٥٦، انظر: ٢٤١٦، ٢٥١٥، ٢٦٦٦، ٢٦٦٩، ٢٦٧٣، ٢٦٧٦، ٤٥٤٩، ٦٦٥٩، ٦٦٧٦، ٧١٨٣، ٧٤٤٥]؛ [الحديث: ٢٣٥٧، انظر: ٢٤١٧، ٢٥١٦، ٢٦٦٧، ٢٦٧٠، ٢٦٧٧، ٤٥٥٠، ٦٦٦٠، ٦٦٧٧، ٧١٨٤]

(5) CHAPTER. The sin of him who withholds water from wayfarer and travellers.

2358. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "There are three types of people whom Allāh will neither look at them on the Day of Resurrection, nor will he purify them (from sins) and they shall have a painful torment. They are:

1. A man possessed superfluous water, on a way and he withheld it from travellers.
2. A man who gave a *Bai'a* (pledge) to a ruler and he gave it only for worldly benefits. If the ruler gives him something he gets satisfied, and if the ruler withholds

(٥) بابُ إثْمِ مَنْ مَنَعَ ابنَ السَّبِيلِ مِنَ الماءِ

٢٣٥٨ - **حَدَّثَنا** مُوسَى بنُ إسمَاعِيلَ: حدَّثنا عَبْدُ الوَاحِدِ بنُ زِيادٍ، عَنِ الأعْمَشِ قالَ: سَمِعْتُ أبا صالحٍ يَقُولُ: سَمِعْتُ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «ثَلاثَةٌ لا يَنْظُرُ اللهُ إلَيهِمْ يَوْمَ القِيامَةِ ولا يُزَكِّيهِم ولَهُمْ عَذابٌ أليمٌ: رَجُلٌ كَانَ لَهُ فَضْلُ ماءٍ بالطَّرِيقِ فَمَنَعَهُ

مِن ابنِ السَّبِيلِ، ورَجُلٌ بايَعَ إِمَامَهُ لا يُبايِعُهُ إِلَّا لِدُنْيا فإنْ أعْطَاهُ مِنْها رَضِيَ وإنْ لَمْ يُعْطِهِ مِنْها سَخِطَ، ورَجُلٌ أَقَامَ سِلْعَتَهُ بَعْدَ العَصْرِ فَقَالَ: واللهِ الَّذِي لَا إِلٰهَ غَيرُهُ لَقَدْ أَعْطَيتُ بِهَا كَذَا وكَذَا فَصَدَّقَهُ رَجُلٌ»، ثُمَّ قَرَأ ﴿إِنَّ ٱلَّذِينَ يَشْتَرُونَ بِعَهْدِ ٱللَّهِ وَأَيْمَـٰنِهِمْ ثَمَنًا قَلِيلًا﴾ [آل عمران: ٧٧]. [انظر: ٢٣٦٩، ٢٦٧٢، ٧٢١٢، ٧٤٤٦]

something from him, he gets dissatisfied.

3. And a man displayed his goods for sale after the *Asr* prayer (and took a false oath by) saying, 'By Allāh, except Whom none has the right to be worshipped, I have been given so much for my goods,' and somebody believes him (and buys them)."

The Prophet ﷺ then recited: "Verily, those who purchase a small gain at the cost of Allāh's Covenant and their oaths..." (V.3:77)

(٦) بابُ سَكْرِ الأنْهارِ

(6) CHAPTER. The dams of rivers.

٢٣٥٩، ٢٣٦٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ قالَ: حدَّثَني ابنُ شِهابٍ، عَنْ عُرْوَةَ: عَنْ عَبْدِ اللهِ بنِ الزُّبَيرِ رَضِيَ اللهُ عَنْهُمَا: أَنَّهُ حدَّثَهُ أنَّ رَجُلاً مِنَ الأنْصارِ خاصَمَ الزُّبَيرَ عِنْدَ النَّبِيِّ ﷺ في شِراجِ الحَرَّةِ الَّتي يَسْقُونَ بِها النَّخلَ، فَقالَ الأنْصارِيُّ: سَرِّحِ المَاءَ يَمُرُّ فأبَىٰ عَلَيْهِ، فاخْتَصَمَا عِنْدَ النَّبِيِّ ﷺ، فَقالَ رَسُولُ اللهِ ﷺ للزُّبيرِ: «اَسْقِ يا زُبَيرُ ثُمَّ أرْسِلِ المَاءَ إلى جارِكَ»، فَغَضِبَ الأنْصارِيُّ فَقالَ: أنْ كانَ ابنَ عَمَّتِكَ؟ فَتَلَوَّنَ وَجْهُ رَسُولِ اللهِ ﷺ ثُمَّ قالَ: «اسْقِ يا زُبَيرُ ثُمَّ احْبِسِ المَاءَ حتَّى يَرْجِعَ إلى الجَدْرِ». فَقالَ الزُّبَيرُ: وَاللهِ إنِّي لأَحْسِبُ هٰذِهِ الآيَةَ نَزَلَتْ فِي ذٰلكَ: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ

2359, 2360. Narrated 'Abdullāh bin Az-Zubair رَضِيَ الله عَنهُما: An *Anṣārī* man quarrelled with Az-Zubair in the presence of the Prophet ﷺ about the *Ḥarra* canals which were used for irrigating the date-palms. The *Ansārī* man said to Az-Zubair, "Let the water pass", but Az-Zubair refused to do so. So, the case was brought before the Prophet ﷺ who said to Az-Zubair, "O Zubair! Irrigate (your land) and then let the water pass to your neighbour." On that the *Anṣārī* got angry and said to the Prophet ﷺ, "Is it because he (i.e., Zubair) is your aunt's son?" On that the colour of the face of Allāh's Messenger ﷺ changed (because of anger) and he said, "O Zubair! Irrigate (your land) and then withhold the water till it reaches the walls between the pits round the trees." Zubair said, "By Allāh, I think that the following Verse was revealed on this occasion:

'But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them'." (V.4:65)

﴿بَيْنَهُمْ﴾ [النساء: ٦٥] قالَ مُحَمَّدُ ابنُ العَبَّاسِ: قالَ أبُو عَبْدِ اللهِ: لَيْسَ أحَدٌ يَذْكُرُ عُرْوَةَ عَنْ عَبْدِ اللهِ إلَّا اللَّيْثُ فَقَطْ. [انظر: ٢٣٦١، ٢٣٦٢، ٢٧٠٨، ٤٥٨٥]

(7) CHAPTER. The land nearer to the source of water has the right to be irrigated before the one that is farther.

(٧) بابُ شُرْبِ الأعْلَى قَبْلَ الأسْفَلِ

2361. Narrated 'Urwa رَضِيَ اللهُ عَنْهُ: When a man from the *Anṣār* quarrelled with Az-Zubair, the Prophet ﷺ said, "O Zubair! Irrigate (your land) first and then let the water flow (to the land of the others)." On that the *Anṣārī* said (to the Prophet ﷺ), "Is it because he is your aunt's son?" On that the Prophet ﷺ said, "O Zubair! Irrigate till the water reaches the walls between the pits around the trees and then stop (i.e., let the water go to the other's land)." I think the following Verse was revealed concerning this event:

'But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them.' " (V.4:65)

٢٣٦١ - حَدَّثَنَا عَبْدَانُ: أخْبَرَنا عَبْدُ اللهِ: أخْبَرَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ قالَ: خاصَمَ الزُّبَيْرُ رَجُلاً مِنَ الأنْصارِ فَقالَ النَّبِيُّ ﷺ: «يا زُبَيْرُ، اسْقِ ثُمَّ أرْسِلْ». فَقالَ الأنْصارِيُّ: إنَّهُ ابنُ عَمَّتِكَ؟ فَقالَ عَلَيْهِ السَّلامُ: «اسْقِ يا زُبَيْرُ حَتَّى يَبْلُغَ الجَدْرَ ثُمَّ أمْسِكْ». قالَ الزُّبَيْرُ: فَأحْسِبُ هٰذِهِ الآيَةَ نَزَلَتْ في ذٰلِكَ: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ﴾ [النساء: ٦٥]. [راجع: ٢٣٥٩]

(8) CHAPTER. The land nearer to the source of water has the right to be covered with water up to the ankles.

(٨) بابُ شُرْبِ الأعْلَى إلَى الكَعْبَيْنِ

2362. Narrated 'Urwa bin Az-Zubair رَضِيَ اللهُ عَنْهُما: An *Anṣārī* man quarrelled with Az-Zubair about a canal in the *Ḥarra* which was used for irrigating date-palms. Allāh's Messenger ﷺ, ordering Az-Zubair to be moderate, said, "O Zubair! Irrigate (your land) first and then leave the water for your neighbour." The *Anṣārī* said, "Is it because he is your aunt's son?" On that the colour of the face of Allāh's Messenger ﷺ changed (because of anger) and he said, "O Zubair!

٢٣٦٢ - حَدَّثَنَا مُحَمَّدٌ: أخْبَرَنا مَخْلَدُ بنُ يَزِيدَ الحَرَّانِيُّ قالَ: أخْبَرَني ابنُ جُرَيْجٍ قالَ: حَدَّثَني ابنُ شِهابٍ، عَنْ عُرْوَةَ بنِ الزُّبَيْرِ أنَّهُ حَدَّثَهُ: أنَّ رَجُلاً مِنَ الأنْصارِ خاصَمَ الزُّبَيْرَ في شِرَاجٍ مِنَ الحَرَّةِ لِيَسْقِيَ بِهَا النَّخْلَ. فَقالَ رَسُولُ اللهِ ﷺ: «اسْقِ يا زُبَيْرُ -

Irrigate (your land) and withhold the water till it reaches the walls that are between the pits around the trees." So, Allāh's Messenger ﷺ gave Az-Zubair his full right. Az-Zubair said, "By Allāh, the following Verse was revealed in that connection:

'But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them'." (V.4:65)

(The subnarrator), Ibn Shihāb said to Juraij (another subnarrator), "The *Anṣār* and the other people interpreted the saying of the Prophet ﷺ: 'Irrigate (your land) and withhold the water till it reaches the walls between the pits around the trees,' as meaning up to the ankles."

فَأَمَرَهُ بِالمَعْرُوفِ - ثُمَّ أَرْسِلْهُ إِلَى جَارِكَ». فَقَالَ الأَنْصَارِيُّ: أَنْ كَانَ ابنَ عَمَّتِكَ؟ فَتَلَوَّنَ وجْهُ رَسُولِ اللهِ ﷺ ثُمَّ قالَ: «اسْقِ ثُمَّ احْبِسْ حتَّى يَرْجِعَ المَاءُ إِلَى الجَدْرِ»، واسْتَوْعَى لَهُ حَقَّهُ. فَقالَ الزُّبَيرُ: واللهِ إنَّ هٰذِهِ الآيَةَ أُنْزِلَتْ فِي ذلكَ: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ﴾ فَقَالَ لِي ابنُ شِهَابٍ: فَقَدَّرَتِ الأَنْصَارُ والنَّاسُ قَوْلَ النَّبِيِّ ﷺ: «اسْقِ ثُمَّ احْبِسْ حتَّى يَرْجِعَ إِلَى الجَدْرِ» وكانَ ذٰلكَ إلى الكَعْبَينِ.

[راجع: ٢٣٥٩]

(9) CHAPTER. The superiority of providing water (to those who need it).

(٩) بابُ فَضْلِ سَقْيِ المَاءِ

2363. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "While a man was walking he felt thirsty and went down a well and drank water from it. On coming out of it, he saw a dog panting and eating mud because of excessive thirst. The man said, 'This (dog) is suffering from the same problem as that of mine. So he (went down the well), filled his shoe with water, caught hold of it with his teeth and climbed up and watered the dog. Allāh thanked him for his (good) deed and forgave him." The people asked, "O Allāh's Messenger! Is there a reward for us in serving (the) animals?" He replied, "Yes, there is a reward for serving any animate (living being)."

٢٣٦٣ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخبرَنا مالكٌ، عَنْ سُمَيٍّ، عَنْ أبي صَالِحٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «بَيْنا رَجُلٌ يَمْشِي فاشْتَدَّ عَلَيْهِ العَطَشُ فَنزَلَ بِئْراً فَشَرِبَ مِنها، ثُمَّ خَرَجَ فإذَا هُوَ بِكَلْبٍ يَلْهَثُ، يَأْكُلُ الثَّرَى مِنَ العَطَشِ. فَقالَ: لَقَدْ بَلَغَ هٰذَا مِثْلُ الَّذِي بَلَغَ بِي فمَلأَ خُفَّهُ ثُمَّ أمْسَكَهُ بِفيهِ، ثُمَّ رَقِيَ فَسَقى الكَلْبَ فَشَكَرَ اللهُ لَهُ فَغَفَرَ لَهُ». قالُوا: يا رَسُولَ اللهِ، وإنَّ لَنا في البَهَائِمِ أجْراً؟ قالَ: «فِي كُلِّ كَبِدٍ رَطْبَةٍ أجْرٌ». تابَعَهُ حَمَّادُ بنُ

سَلَمَةَ والرَّبيعُ بنُ مُسْلمٍ، عَنْ مُحَمَّدِ بنِ زِيادٍ. [راجع: ١٧٣]

2364. Narrated Asmā' bint Abī Bakr رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ offered the eclipse *Ṣalāt* (prayer), and then said, "Hell was displayed so close that I said, 'O my Lord! Am I going to be one of its inhabitants?' " Suddenly he saw a woman. I think he said, "...who was being scratched by a cat." He said, "What is wrong with her?" He was told, "She had imprisoned it (i.e., the cat) till it died of hunger."

٢٣٦٤ - حَدَّثَنا ابنُ أبي مَرْيَمَ: حدَّثَنا نافعُ بنُ عُمَرَ، عَنِ ابنِ أَبِي مُلَيْكَةَ، عَنْ أَسْماءَ بِنْتِ أبي بَكْرٍ رَضِيَ اللهُ عَنْهُما: أنَّ النَّبِيَّ ﷺ صَلَّى صَلاةَ الكُسُوفِ فَقالَ: «دَنَتْ مِنِّي النَّارُ حتَّى قُلْتُ: أيْ رَبِّ وأَنا مَعَهُمْ. فإذَا امْرَأةٌ - حَسِبْتُ أنَّهُ قالَ: - تَخْدِشُها هِرَّةٌ قالَ: ما شَأْنُ هٰذِهِ؟ قَالُوا: حَبَسَتْها حتَّى ماتَتْ جُوعاً». [راجع: ٧٤٥]

2365. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "A woman was tortured and was put in (Hell) Fire because of a cat which she had kept locked till it died of hunger." Allāh's Messenger ﷺ further said, "Allāh knows better. Allāh said (to the woman), 'You neither fed it nor watered it when you locked it up, nor did you set it free to eat the vermin of the earth.' "

٢٣٦٥ - حَدَّثَنا إسْمَاعِيلُ قالَ: حدَّثَني مالِكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ قالَ: «عُذِّبَتِ امْرأةٌ في هِرَّةٍ حَبَسَتْهَا حتَّى ماتَتْ جُوعاً فَدَخَلَتْ فِيهَا النَّارَ، قالَ: فَقالَ -واللهُ أعْلَمُ -: لا أنْتِ أَطْعَمْتِيْهَا وَلا سَقَيْتِيها حِينَ حَبَسْتِيْهَا، وَلَا أنْتِ أرْسلْتِها فَأَكَلَتْ مِنْ خَشَاشِ الأَرْضِ». [انظر: ٣٣١٨، ٣٤٨٢]

(10) CHAPTER. Whoever thinks that the owner of a tank, or of a leather water-container has more right to use the water than any other person.

(١٠) بابٌ مَنْ رَأى أنَّ صاحِبَ الحَوْضِ أو القِرْبَةِ أحَقُّ بِمَائِهِ

2366. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: Once a tumbler (full of milk or water) was brought to Allāh's Messenger ﷺ who drank from it, while on his right side there was sitting a boy who was the youngest of those

٢٣٦٦ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا عَبْدُ العَزِيزِ، عَنْ أبي حازِمٍ، عَنْ سَهْلِ بنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ قالَ: أُتِيَ رَسُولُ

who were present, and on his left side there were old men. The Prophet ﷺ asked, "O boy! Do you allow me to give (the drink) to the elder people (first)?" The boy said, "I will not give preference to anybody over me to have my share from you, O Allāh's Messenger!" So, he gave it to the boy.

اللهِ ﷺ بقَدَحٍ فَشَرِبَ وعَنْ يَمِينِهِ غُلامٌ هُوَ أَحْدَثُ القَوْمِ، والأَشْياخُ عَنْ يَسارِهِ، قالَ: «يا غُلامُ، أَتَأْذَنُ لِي أَنْ أُعْطِيَ الأَشْياخَ؟» فَقالَ: ما كُنْتُ لأُوثِرَ بِنَصِيبِي مِنْكَ أَحَداً يا رَسُولَ اللهِ، فَأَعْطاهُ إِيَّاهُ.

[راجع: ٢٣٥١]

2367. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "By Him in Whose Hands my soul is, some people will be driven away from my Tank [*Ḥauḍ (Al-Kauthar)*] on the Day of Resurrection as strange camels are driven away from a private tank (trough)."

٢٣٦٧ - حَدَّثَنَا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا غُنْدَرٌ: حدَّثَنا شُعْبَةُ، عَنْ مُحَمَّدِ ابنِ زِيادٍ: سَمِعْتُ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قالَ: «والَّذِي نَفْسِي بِيَدِهِ لَأَذُودَنَّ رِجالاً عَنْ حوضِي كَمَا تُذَادُ الغَرِيبَةُ مِنَ الإِبِلِ عَنِ الحَوْضِ».

2368. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "May Allāh be Merciful to the mother of Isma'īl (Ishmael)! If she had left the water of Zamzam (fountain) as it was, (without constructing a basin for keeping the water), (or said, "If she had not taken handfuls of its water"), it would have been a flowing stream. Jurhum (an Arab tribe) came and asked her, 'May we settle at your dwelling?' She said, 'Yes, but you have no right to possess the water.' They agreed."

٢٣٦٨ - حَدَّثَنِي عَبْدُ اللهِ بنُ مُحَمَّدٍ: أَخْبَرَنا عَبْدُ الرَّزَّاقِ: أَخْبَرَنا مَعْمَرٌ، عَنْ أَيُّوبَ وكَثِيرِ بنِ كَثِيرٍ، يَزِيدُ أَحَدُهُمَا عَلَى الآخَرِ، عَنْ سَعِيدِ بنِ جُبَيرٍ قالَ: قالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: قالَ النَّبِيُّ ﷺ: «يَرْحَمُ اللهُ أُمَّ إِسْمَاعِيلَ، لَوْ تَرَكَتْ زَمْزَمَ - أَوْ قالَ: لَوْ لَمْ تَغْرِفْ مِنَ المَاءِ - لكانَتْ عَيْناً مَعِيناً. وأَقْبَلَ جُرْهُمُ فَقَالُوا: أَتَأْذَنِينَ أَنْ نَنْزِلَ عِنْدَكِ؟ قالَتْ: نَعَمْ ولا حَقَّ لَكُمْ في المَاءِ، قالُوا: نَعَمْ». [انظر: ٣٣٦٢، ٣٣٦٣، ٣٣٦٤، ٣٣٦٥]

2369. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "There are three types

٢٣٦٩ - حَدَّثَنِي عَبْدُ اللهِ بنُ

of people whom Allāh will neither speak to them, nor look at them, on the Day of Resurrection. (They are):

1. A man who takes an oath falsely that he has been offered for his goods so much more than what he is given,
2. A man who takes a false oath after the *Aṣr* (prayer) in order to grab a Muslim's property, and
3. A man who withholds his superfluous water. Allāh will say to him, 'Today I will withhold My Grace from you as you withheld the superfluity of what you had not created.'"

مُحَمَّدٍ: حدَّثنا سُفيانُ، عَنْ عَمْرٍو، عَنْ أبي صَالِحٍ السَّمَّانِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «ثَلاثَةٌ لا يُكَلِّمُهُمُ اللهُ يَوْمَ القِيامَةِ ولا يَنْظُرُ إلَيهِم: رَجُلٌ حَلَفَ عَلى سِلْعَةٍ لَقَدْ أعْطَى بِها أكْثَرَ مِمَّا أعطَى وَهُوَ كاذِبٌ، ورَجُلٌ حَلَفَ عَلى يَمِينٍ كاذِبَةٍ بَعْدَ العَصْرِ لِيَقْتَطِعَ بِها مالَ رَجُلٍ مُسْلِمٍ، ورَجُلٌ مَنَعَ فَضْلَ مائِهِ فَيَقُولُ اللهُ: اليَوْمَ أمْنَعُكَ فَضْلِي كَمَا مَنَعْتَ فَضْلَ ما لَمْ تَعْمَلْ يَدَاكَ». قالَ عَلِيٌّ: حدَّثنا سُفيانُ غيرَ مَرَّةٍ، عَنْ عَمْرٍو: سَمِعَ أبا صَالِحٍ يَبْلُغُ بِهِ النَّبِيَّ ﷺ. [راجع: ٢٣٥٨]

(11) CHAPTER. No *Ḥimā* (private pasture) except according to what Allāh and His Messenger ﷺ did.[1]

(١١) بابٌ: لا حِمَى إلَّا لِلَّهِ ولِرَسُولِهِ ﷺ

2370. Narrated As-Sa'b bin Jaththāma: Allāh's Messenger ﷺ said, "No *Ḥimā*[2] except for Allāh and His Messenger ﷺ[3]. We have been told that Allāh's Messenger ﷺ made a place called An-Naqī' as *Ḥima*, and 'Umar made Ash-Sharaf and Ar-Rabadha *Ḥima* (for grazing the animals of *Zakāt*).

٢٣٧٠ - حَدَّثنا يَحيى بنُ بُكَيرٍ: حدَّثنا اللَّيْثُ، عَنْ يُونُسَ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ بنِ عُتْبَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أنَّ الصَّعْبَ بنَ جَثَّامَةَ قالَ:

(1) (Ch. 11) This means that the *Imām* has the right to assign certain pastures for certain purposes (e.g., for grazing the animals of the *Zakāt*). Nobody would then have the right to use the pastures for other purposes. (*Fatḥ Al-Bārī*)

(2) (H. 2370) The origin of this word is that when an Arab chief came to a certain place suitable for pasturing, he would let his dog bark at a high place. The area across which the sound of the dog spread would be a private pasture for the chief's cattle, and nobody else would have the right to graze his cattle in it. So *Ḥima* means a private pasture, originally belonging to nobody, and nobody is allowed to cultivate it, but it is kept for grazing private animals. (*Fatḥ Al-Bārī*)

(3) (H. 2370) Allāh's Messenger ﷺ and the Muslim leaders only have the right to keep pastures of this sort; no individual has the right to keep *Ḥima* for his personal good as the Arabs used to do in the Pre-Islāmic Period of Ignorance. (Ibid.)

إنَّ رَسُولَ اللهِ ﷺ قالَ: «لا حِمَى إلَّا للهِ ولِرَسُولِهِ». وقالَ: بَلَغَنا أنَّ النَّبيَّ ﷺ حَمَى النَّقِيْعَ وأنَّ عُمَرَ حَمَى الشَّرَفَ والرَّبَذَةَ. [انظر: ٣٠١٢]

(12) CHAPTER. Drinking water by people and watering animals from the rivers.

(١٢) بابُ شُرْبِ النَّاسِ وسَقْيِ الدَّوَابِّ مِنَ الأنْهارِ

2371. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ said, "Keeping horses may be a source of reward to some (men), a shelter to another (i.e., means of earning one's living), or a burden to a third[1]. He, to whom the horse will be a source of reward is the one who keeps it in Allāh's Cause (prepare it for holy battles) and ties it by a long rope in a pasture (or a garden). He will get a reward equal to what its long rope allows it to eat in the pasture or the garden, and if that horse breaks its rope and crosses one or two hills, then all its foot-steps and its dung will be counted as good deeds for its owner; and if it passes by a river and drinks from it, then that will also be regarded as a good deed for its owner even if he has had no intention of watering it then. Horses are a shelter from poverty to the second person who keeps horses for earning his living so as not to ask others, and at the same time he gives Allāh's Right (i.e., *Zakāt*) (from the wealth he earns through using them in trading etc.), and does not overburden them. He who keeps horses just out of pride and for showing off and as a means of harming the Muslims, his horses will be a source of sins to him."

When Allāh's Messenger ﷺ was asked

٢٣٧١ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبرَنا مالكُ بنُ أنَسٍ، عَنْ زَيْدِ بنِ أسْلَمَ؛ عَنْ أبي صَالحٍ السَّمَّانِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «الخَيْلُ لِرَجُلٍ أجْرٌ، ولِرَجُلٍ سِتْرٌ، وعَلى رَجُلٍ وِزرٌ. فَأمَّا الذِي لَهُ أجْرٌ فَرَجُلٌ ربَطَها في سَبِيلِ اللهِ فأطالَ لَها فِي مَرْجٍ أوْ رَوْضَةٍ، فَما أصَابَتْ في طِيَلِها ذَلكَ مِنَ المَرْجِ أوِ الرَّوْضَةِ كانَتْ لَهُ حَسَناتٍ وَلَو أنَّهُ انْقَطَعَ طِيَلُها فاسْتَنَّتْ شَرَفاً أوْ شَرَفَيْنِ كانَتْ آثارُها وأرْوَاثُها حَسَناتٍ لَهُ. ولَوْ أنَّها مرَّتْ بنَهَرٍ فَشَرِبَتْ مِنْهُ ولَمْ يُرِدْ أنْ يَسْقِيَ كانَ ذَلكَ حَسَناتٍ لَهُ، فَهِيَ لِذَلكَ أجْرٌ. ورَجُلٌ رَبَطَها تَغَنِّياً وتَعَفُّفاً ثُمَّ لَمْ يَنْسَ حَقَّ اللهِ في رِقابِها ولا ظُهُورِها فَهِيَ لِذَلِكَ سِتْرٌ. ورَجُلٌ رَبَطَها فَخْراً ورِياءً ونِواءً لِأهْلِ

(1) (H. 2371) Horses are kept as a means of conveyance or for commercial purposes. One may use them in the way that pleases Allāh and gets a reward for his obedience, another may use them in disobeying Allāh and is consequently punished, and still another may use them just for earning his living. (*Qasṭalānī*)

about donkeys, he replied, "Nothing particular was revealed to me regarding them except this general unique Verse which is applicable to everything:

'So whosoever does good equal to the weight of an atom (or a small ant), shall see it. And whosoever does evil equal to the weight of an atom (or a small ant), shall see it'."(1)

الإسْلامِ، فَهِيَ عَلى ذٰلِكَ وِزْرٌ». وسُئِلَ رَسُولُ اللهِ ﷺ عَنِ الحُمُرِ، فَقالَ: «ما أُنْزِلَ عَلَيَّ فِيها شيءٌ إلَّا هٰذِهِ الآيَةُ الجامِعَةُ الفَاذَّةُ: ﴿فَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُۥ ۝٧ وَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُۥ ۝٨﴾. [انظر: ٢٨٦٠، ٣٦٤٦، ٤٩٦٢، ٤٩٦٣، ٧٣٥٦]

2372. Narrated Zaid bin Khālid رَضِيَ الله عَنْهُ: A man came to Allāh's Messenger ﷺ and asked about *Al-Luqaṭa* (a fallen thing). The Prophet ﷺ said, "Recognise its container and its tying material and then make public announcement about it for one year and if its owner shows up, give it to him; otherwise use it as you like." The man said, "What about a lost sheep?" The Prophet ﷺ said, "It is for you, your brother or the wolf."(2) The man asked "What about a lost camel?" The Prophet ﷺ said, "Why should you take it as it has got its water-container (its stomach) and its hooves and it can reach the places of water and can eat the trees till its owner finds it?"(3)

٢٣٧٢ - حَدَّثَنَا إسمَاعيلُ: حدَّثَنا مالكٌ عَنْ رَبِيْعَةَ بنِ أبي عَبْدِ الرَّحْمٰنِ، عَنْ يَزِيدَ مَوْلى المُنْبَعِثِ، عَنْ زَيْدِ بنِ خالِدٍ الجُهَنِيِّ رَضِيَ اللهُ عَنْهُ قالَ: جاءَ رَجُلٌ إلىٰ رَسُولِ اللهِ ﷺ فَسألَهُ عَنِ اللُّقَطَةِ فَقالَ: «اعْرِفْ عِفَاصَها ووِكاءَها، ثُمَّ عَرِّفْها سَنَةً، فإنْ جاءَ صَاحِبُها وإلَّا فَشَأنَكَ بِها». قالَ: فَضالَّةُ الغَنَمِ؟، قالَ: «هِيَ لَكَ أوْ لِأخِيكَ أوْ لِلذِّئْبِ»، قالَ: فَضَالَّةُ الإبِلِ؟ قالَ: «مَا لَكَ ولَها؟» مَعَها سِقَاؤُها وحِذَاؤُها، تَرِدُ المَاءَ وتَأكُلُ الشَّجَرَ حتَّى يَلْقَاهَا رَبُّها». [راجع: ٩١]

(13) CHAPTER. The selling of wood and grass.

(١٣) بابُ بَيْعِ الحَطَبِ والكَلَإِ

2373. Narrated Az-Zubair bin Al-

٢٣٧٣ - حَدَّثَنَا مُعَلَّى بنُ أسَدٍ:

(1) (H. 2371) This means that if one treats his donkeys kindly and does not overburden them, he will be rewarded for that in the Hereafter, and if he does the opposite, he will gain the fruit of his ill-behaviour. (*Qasṭalānī*)

(2) (H. 2372) It is for you if its owner does not show up, or for its owner if he shows up, or for the wolf to eat if you leave it and its owner does not find it.

(3) (H. 2372) The Prophet ﷺ forbids the man from taking the lost camel because it can stay in the desert for a long period without any danger. It is like a well-provided traveller; it can reach its destination.

'Awwām رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "No doubt, one had better take a rope (and cut) and tie a bundle of wood and sell it whereby Allāh will keep his face away (from Hell-fire) rather than ask others who may give him or not."

حدَّثنا وُهَيْبٌ، عَنْ هِشَامٍ، عَنْ أبيه، عَنِ الزُّبَيْرِ بنِ العَوَّامِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «لَأَنْ يأْخُذَ أَحَدُكُمْ أَحْبُلاً فَيَأْخُذ حُزْمَةً مِنْ حَطَبٍ فَيَبِيعَ فَيَكُفَّ اللهُ بِهَا وَجْهَهُ خَيرٌ مِنْ أنْ يَسْأَلَ النَّاسَ أُعْطِيَ أمْ مُنِعَ».

[راجع: ١٤٧١]

2374. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "No doubt, it is better for anyone of you to cut a bundle of wood and carry it over his back (and earn his living thereby) rather than to ask somebody who may or may not give him." (See H. 2074).

٢٣٧٤ - حَدَّثَنَا يَحْيَى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، عَنْ أبي عُبَيْدٍ مَوْلى عَبدِ الرَّحْمٰنِ ابنِ عَوْفٍ: أنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «لَأَنْ يَحْتَطِبَ أحَدُكُمْ حُزْمَةً عَلى ظَهْرِهِ خَيرٌ لَهُ مِنْ أنْ يَسْأَلَ أحَداً فَيُعْطِيَهُ أوْ يَمْنَعَهُ».

[راجع: ١٤٧٠]

2375. Narrated Ḥusain bin 'Alī رَضِيَ اللهُ عَنْهُما: 'Alī bin Abī Ṭālib رَضِيَ اللهُ عَنْهُ said, "I got a she-camel as my share of the war booty on the day (of the battle) of Badr, and Allāh's Messenger ﷺ gave me another she-camel. I let both of them kneel at the door of one of the *Anṣār*, intending to carry *Idhkhir* on them to sell it and use its price for my wedding banquet on marrying Fāṭima. A goldsmith from Banī Qainuqā' was with me. Ḥamza bin 'Abdul-Muṭṭalib was in that house drinking wine and a lady singer was reciting:

'O Ḥamza! (Kill) the (two) fat old she-camels (and serve them to your guests).'

So Ḥamza took his sword and went towards the two she-camels and cut off their humps and opened their flanks and took a part of their livers." (I said to Ibn Shihāb,

٢٣٧٥ - حَدَّثَنَا إبْراهِيمُ بنُ مُوسَى: أخْبرَنا هِشامٌ: أنَّ ابنَ جُرَيْجٍ أخْبرَهُمْ قالَ: أخْبرَني ابنُ شِهابٍ، عَنْ عَلِيِّ بنِ حُسَينِ بنِ عَلِيٍّ، عَنْ أبِيهِ حُسَينِ بنِ عَلِيٍّ، عَنْ أبِيْهِ عَلِيِّ ابنِ أبي طالِبٍ رَضِيَ اللهُ عَنْهُمْ أنَّهُ قالَ: أصَبْتُ شارِفاً مَعَ رَسُولِ اللهِ ﷺ في مَغْنَمٍ يَوْمَ بَدْرٍ، قالَ: وأعْطَاني رَسُولُ اللهِ ﷺ شَارِفاً أُخْرَى فأنَخْتُهُمَا يَوْماً عِنْدَ بابِ رَجُلٍ مِنَ الأنْصارِ وأنا أُرِيدُ أنْ أحْمِلَ عَلَيهِمَا إذْخِراً لأَبِيعَهُ ومَعِيَ صَائِغٌ مِنْ بَنِي قَيْنُقَاعَ فأسْتَعِينَ بِهِ عَلى

"Did he take part of the humps?" He replied, "He cut off their humps and carried them away.") 'Alī رَضِيَ اللهُ عَنْهُ further said, "When I saw that dreadful sight, I went to the Prophet ﷺ and told him the news. The Prophet ﷺ came out in the company of Zaid bin Hāritha who was with him then, and I, too, went with them. He went to Ḥamza and spoke harshly to him. Ḥamza looked up and said, 'Aren't you only the slaves of my forefathers?' The Prophet ﷺ retreated and went out. This incident happened before the prohibition of drinking (alcoholic drinks)."

وَلِيمَةِ فاطِمَةَ، وَحَمْزَةُ ابنُ عَبْدِ المُطَّلِبِ يَشْرَبُ فِي ذٰلِكَ البَيْتِ مَعَهُ قَيْنَةٌ، فَقالَتْ: أَلا يا حَمْزَ لِلشُّرُفِ النِّوَاءِ، فَثارَ إِلَيهِمَا حَمْزَةُ بالسَّيْفِ فَجَبَّ أَسْنِمَتَهُمَا وبَقَرَ خَوَاصِرَهُمَا ثُمَّ أَخَذَ مِنَ أَكْبادِهِمَا، قُلْتُ لِابنِ شِهابٍ: ومِنَ السَّنَامِ؟ قالَ: قَدْ جَبَّ أَسْنِمَتَهُما فَذَهَبَ بِهَا. قالَ ابنُ شِهابٍ: قالَ عَلِيٌّ رَضِيَ اللهُ عَنْهُ: فَنَظَرْتُ إِلَىٰ مَنْظَرٍ أَفْظَعَنِي فَأَتَيْتُ نَبِيَّ اللهِ ﷺ وعِنْدَهُ زَيْدُ بنُ حارِثَةَ فأَخْبَرْتُهُ الخَبَرَ، فَخَرَجَ ومَعَهُ زَيْدٌ فانْطَلَقْتُ مَعَهُ فَدَخَلَ عَلى حَمْزَةَ فَتَغَيَّظَ عَلَيْهِ فَرَفَعَ حَمْزَةُ بَصَرَهُ وَقَالَ: هَلْ أَنْتُمْ إِلَّا عَبِيدٌ لِآبَائِي؟ فَرَجَعَ رَسُولُ اللهِ ﷺ يُقَهْقِرُ حَتَّى خَرَجَ عَنْهُمْ وذٰلِكَ قَبْلَ تَحْرِيمِ الخَمْرِ. [راجع: ٢٠٨٩]

(14) CHAPTER. The uncultivated pieces of land (granted by the ruler to some individuals).

(١٤) بابُ القَطَائِعِ

2376. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ decided to grant a portion of (the uncultivated land of) Baḥrain to the *Anṣār*. The *Anṣār* said, "(We will not accept it) till you give a similar portion to our emigrant brothers (from Quraish)." He said, "(O *Anṣār*!) You will soon see people giving preference to others, so remain patient till you meet me (on the Day of Resurrection)."[1]

٢٣٧٦ - حَدَّثَنا سُلَيْمانُ بنُ حَرْبٍ: حدَّثَنا حَمَّادُ بْنُ زيدٍ، عَنْ يَحْيَى بنِ سَعِيدٍ قالَ: سَمِعْتُ أَنَساً رَضِيَ اللهُ عَنْهُ قالَ: أَرَادَ رَسولُ اللهِ ﷺ أن يُقْطِعَ مِنَ البَحْرَيْنِ فَقالَتِ الأَنْصارُ: حتَّى تُقْطِعَ لِإِخْوَانِنَا مِنَ المُهاجِرِينَ مِثْلَ الذي تُقْطِعُ لَنَا،

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(1) (H. 2376) This prophecy was a sign of the Prophethood of Allāh's Messenger ﷺ. It came true that the Quraish kings had the source of wealth and power in their hands. The Prophet ﷺ tells the *Anṣār* to be patient and wait for a great reward in the Hereafter as a compensation for the pleasures they would miss in this life.

قالَ: «سَتَرَوْنَ بَعْدِي أَثَرَةً فاصْبِرُوا حتَّى تَلْقَوْني». [انظر: ٢٣٧٧، ٣١٦٣، ٣٧٩٤]

(15) CHAPTER. Documentation of the land grants.

(١٥) بابُ كِتابَةِ القَطائِعِ

2377. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ called the *Anṣār* so as to grant them a portion of (the land of) Baḥrain. They said, "O Allāh's Messenger! If you grant this to us, write a similar document to our Quraish (emigrant) brothers." But the Prophet ﷺ did not have enough grants and he said, "After me you will see the people giving preference (to others), so be patient till you meet me."(1)

٢٣٧٧ - وقالَ اللَّيْثُ، عَنْ يَحْيَى بنِ سَعِيدٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: دَعَا النَّبِيُّ ﷺ الأَنْصارَ لِيُقْطِعَ لَهُمْ بالبَحْرَيْنِ فَقالُوا: يا رَسُولَ اللهِ، إنْ فَعَلْتَ فاكْتُبْ لإخْوانِنا منْ قُرَيْشٍ بِمِثْلِها. فَلَمْ يَكُنْ ذٰلِكَ عِنْدَ النَّبِيِّ ﷺ، فَقالَ: «سَتَرَوْنَ بَعْدِي أَثَرَةً فاصْبِرُوا حتَّى تَلْقَوْني». [راجع: ٢٣٧٦]

(16) CHAPTER. Milking she-camels at water places.

(١٦) بابُ حَلْبِ الإبِلِ عَلى المَاءِ

2378. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "One of the rights of a she-camel is that it should be milked at a place of water."

٢٣٧٨ - حَدَّثَنا إبْراهِيمُ بنُ المُنْذِرِ: حدَّثَنا مُحَمَّدُ بنُ فُلَيْحٍ قالَ: حدَّثَني أبي عَنْ هِلالِ ابنِ عَلِيٍّ، عَنْ عَبْدِ الرَّحْمٰنِ ابنِ أبي عَمْرَةَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قالَ: «مِنْ حَقِّ الإبِلِ أنْ تُحْلَبَ عَلَى المَاءِ». [راجع: ١٤٠٢]

(17) CHAPTER. One may have the right to pass through a garden or to have a share in date-palms.

(١٧) بابُ الرَّجُلِ يَكُونُ لَهُ مَمَرٌّ أَوْ شِرْبٌ في حائِطٍ أوْ في نَخْلٍ؟

The Prophet ﷺ said, "If somebody sells date-palms after pollinating them, their fruits will be for him and he has the right to enter

وَقالَ النَّبِيُّ ﷺ: «مَنْ باعَ نَخْلاً بَعْدَ أنْ تُؤَبَّرَ فَثَمَرَتُها لِلْبائعِ، وَلِلْبائعِ

(1) (Ch. 2377) Perhaps the grants given to the *Anṣār* were land grants or money grants from the *Jizya* tax levied from that land. The Prophet ﷺ could not assign similar grants to the emigrants, perhaps because there were not many conquests then. (*Qasṭalānī*)

the garden and irrigate the date-palms till he reaps the fruits. The owner of *'Ariya* has a similar right."

الْمَمَرُّ والسَّقيُ حتَّى يَرْفَعَ وكَذٰلكَ رَبُّ الْعَرِيَّةِ».

2379. Narrated 'Abdullāh رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ said, "If somebody buys date-palms after they have been pollinated, the fruits will belong to the seller unless the buyer stipulates the contrary. If somebody buys a slave having some property, the property will belong to the seller unless the buyer stipulates that it should belong to him."

٢٣٧٩ - أخبرَنا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ: حدَّثَني ابنُ شِهابٍ، عَنْ سالمِ بنِ عَبْدِ اللهِ، عَنْ أبيهِ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يقُولُ: «مَنِ ابْتاعَ نَخْلاً بَعْد أنْ تُؤَبَّرَ فَثَمَرَتُها لِلْبَائعِ إلَّا أنْ يَشْتَرِطَ الْمُبْتاعُ، ومَنِ ابْتاعَ عَبْداً ولَهُ مالٌ فَمَالُهُ لِلَّذي بَاعَهُ إلَّا أنْ يَشْتَرِطَ الْمُبْتاعُ». [راجع: ٢٢٠٣]

وعَنْ مالكٍ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ، عَنْ عُمَرَ في العَبْدِ.

2380. Narrated Zaid bin Thābit رَضِيَ الله عَنْهُ: The Prophet ﷺ permitted selling the dates of the *'Arāyā* for ready dates by estimating the amount of the former (as they are still on the trees).

٢٣٨٠ - حَدَّثَنا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا سُفْيانُ، عَنْ يَحْيَى بنِ سَعِيدٍ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ، عَنْ زَيْدِ بنِ ثابتٍ رَضِيَ اللهُ عَنْهُمْ قالَ: رَخَّصَ النَّبيُّ ﷺ أنْ تُباعَ العَرَايا بِخَرْصِها تَمْراً. [راجع: ٢١٧٣]

2381. Narrated Jābir bin 'Abdullāh رَضِيَ الله عَنْهُما: The Prophet ﷺ forbade the sales called *Al-Mukhābara, Al-Muhāqala* and *Al-Muzābana* and the selling of fruits till they are free from blights. He forbade the selling of the fruits except for money, except the *'Arāyā*.

٢٣٨١ - حَدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا ابنُ عُيَيْنَةَ، عَنِ ابنِ جُرَيْجٍ، عَنْ عَطاءٍ: سَمِعَ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: نَهَى النَّبيُّ ﷺ عَنِ الْمُخَابَرَةِ والْمُحَاقَلَةِ، وعَنِ الْمُزَابَنَةِ، وعَنْ بَيْعِ الثَّمَرِ حتَّى يَبْدُوَ صَلاحُهُ. وأنْ لا تُباعَ إلَّا بالدِّينارِ والدِّرْهَمِ إلَّا العَرَايا. [راجع: ١٤٨٧]

2382. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ allowed the sale of the dates

٢٣٨٢ - حَدَّثَنا يَحْيَى بنُ قَزَعَةَ:

حَدَّثَنَا مالكٌ، عَنْ دَاوُدَ بنِ حُصَينٍ، عَنْ أبي سُفْيانَ مَوْلى ابن أبي أحْمَدَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: رَخَّصَ النَّبِيُّ ﷺ في بَيْعِ العَرَايا بِخَرْصِها مِنَ التَّمْرِ فِيما دُونَ خَمْسَةِ أوْسُقٍ - أوْ في خَمْسَةِ أوْسُقٍ، شَكَّ دَاوُدُ في ذٰلكَ -. [راجع: ٢١٩٠]

of the *'Arāyā* for ready dates by estimating the former which should be estimated as less than five *Awsuq* or five *Awsuq*. (Dawūd, the subnarrator is not sure as to the right amount.)[1]

٢٣٨٣، ٢٣٨٤ - حَدَّثَنَا زَكَرِيَّا بنُ يَحْيى: حَدَّثَنَا أبُو أُسامَةَ قالَ: أخْبَرَني الوَلِيدُ بنُ كَثِيرٍ قالَ: أخْبَرَني بُشَيْرُ بنُ يَسَارٍ مَوْلىٰ بَني حارِثَةَ: أنَّ رَافِعَ بنَ خَدِيجٍ وسَهْلَ بنَ أبي حَثْمَةَ حَدَّثَاهُ: «أنَّ رَسُولَ اللهِ ﷺ نَهى عَنِ المُزَابَنَةِ: بَيْعِ الثَّمَرِ بالتَّمْرِ، إلَّا أصْحابَ العَرَايا فإنَّهُ أذِنَ لَهُمْ».

قالَ: وقالَ ابنُ إسحَاقَ: حدَّثَني بُشَيْرٌ مِثْلَهُ. [راجع: ٢١٩١]

2383, 2384. Narrated Rāfi' bin Khadīj and Sahl bin Abī Hathma رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ forbade the sale of *Muzābana*, i.e., selling of fruits for fruits, except in the case of *'Arāyā*; he allowed the owners of *'Arāyā* such kind of sale.

(1) (H. 2382) Since there is doubt about the limits of estimation, less than five *Awsuq* is regarded as the legal amount; five *Awsuq* or more is regarded as illegal. (*Qastalānī*).

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٤٣ - كتاب الاستقراض وأداء الديون والحجر والتفليس

(1) CHAPTER. Whoever buys a thing on credit and does not have its price or has it, but not at the place of the transaction.

2385. Narrated Jābir bin 'Abdullāh رَضِيَ الله عَنْهُما: While I was in the company of the Prophet ﷺ in one of his *Ghazawāt*, he asked, "What is wrong with your camel? Will you sell it?" I replied in the affirmative and sold it to him. When he reached Al-Madīna, I took the camel to him in the morning and he paid me its price.

(١) بابٌ مَن اشْتَرَى بالدَّيْنِ ولَيْسَ عِنْدَهُ ثَمَنُهُ أوْ لَيْسَ بِحَضْرَتِهِ

٢٣٨٥ - حَدَّثَنا مُحَمَّدُ بْنُ يُوسُفَ هُو البِيْكَنْدِيُّ: أخْبرَنا جَرِيرٌ، عَنِ المُغيرَةِ، عَنِ الشَّعْبِيِّ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: غَزَوْتُ مَعَ النَّبِيِّ ﷺ فَقَالَ: «كَيْفَ تَرَى بَعِيرَكَ؟ أَتَبِيعُهُ؟ قُلْتُ: نَعَمْ، فَبِعْتُهُ إِيَّاهُ فَلَمَّا قَدِمَ المَدِينَةَ غَدَوْتُ إِلَيْهِ بِالبَعِيرِ فَأَعْطَانِي ثَمَنَهُ. [راجع: ٤٤٣]

2386. Narrated Al-A'mash: When we were with Ibrāhīm, we talked about mortgaging in deals of *Salam*. Ibrāhīm narrated from Aswad that 'Āishah رَضِيَ الله عَنْها had said, "The Prophet ﷺ bought some foodstuff on credit from a Jew and mortgaged an iron armour to him."

٢٣٨٦ - حَدَّثَنا مُعَلَّى بنُ أسَدٍ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا الأعمَشُ قالَ: تَذَاكَرْنا عِنْدَ إبْرَاهِيمَ الرَّهْنَ في السَّلَمِ فقالَ: حدَّثَني الأسْوَدُ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنها: أنَّ النَّبِيَّ ﷺ اشْتَرَى طَعَاماً منْ يَهُودِيٍّ إلى أجَلٍ ورَهَنَهُ دِرْعاً مِنْ حَدِيدٍ. [راجع: ٢٠٨٦]

(2) CHAPTER. Whoever takes the money of the people intending to repay it or to destroy it or to spoil it.

2387. Narrated Abū Hurairah رَضِيَ الله عَنْه: The Prophet ﷺ said, "Whoever takes the money of the people with the intention of repaying it, Allāh will repay it on his behalf, and whoever takes it in order to destroy it, then Allāh will destroy him."

(٢) بابٌ مَنْ أخَذَ أمْوَالَ النَّاسِ يُرِيدُ أدَاءَهَا، أوْ إتْلافَها

٢٣٨٧ - حَدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ الأُوَيْسِيُّ: حدَّثَنا سُلَيْمانُ بنُ بِلالٍ، عَنْ ثَوْرِ ابنِ زَيْدٍ، عَنْ أبي الغَيْثِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ

عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَخَذَ أَمْوَالَ النَّاسِ يُرِيْدُ أَدَاءَهَا أَدَّى اللهُ عَنْهُ، وَمَنْ أَخَذَ يُرِيدُ إِتْلَافَهَا أَتْلَفَهُ اللهُ».

(3) CHAPTER. Repayment of debts.

(٣) بابُ أَدَاءِ الدُّيُونِ

And the Statement of Allāh تعالى:

"Verily! Allāh commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allāh) gives you! Truly, Allāh is Ever All-Hearer, All-Seer." (V.4:58)

وقَوْلِ اللهُ تعالى: ﴿إِنَّ ٱللَّهَ يَأْمُرُكُمْ أَن تُؤَدُّوا۟ ٱلْأَمَـٰنَـٰتِ إِلَىٰٓ أَهْلِهَا وَإِذَا حَكَمْتُم بَيْنَ ٱلنَّاسِ أَن تَحْكُمُوا۟ بِٱلْعَدْلِ ۚ إِنَّ ٱللَّهَ نِعِمَّا يَعِظُكُم بِهِۦٓ ۗ إِنَّ ٱللَّهَ كَانَ سَمِيعًۢا بَصِيرًا ﴿٥٨﴾﴾ [النساء: ٥٨].

2388. Narrated Abū Dhar رَضِيَ اللهُ عَنْهُ: Once, while I was in the company of the Prophet ﷺ, he saw the mountain of Uḥud and said, "I would not like to have this mountain turned into gold for me unless nothing of it, not even a single Dīnār remains of it with me for more than three days (i.e., I will spend all of it in Allāh's Cause), except that Dīnār which I will keep for repaying debts." Then he said, "Those who are rich in this world would have little reward in the Hereafter, except those who spend their money here and there (in Allāh's Cause), and they are few in number." Then he ordered me to stay at my place and went not far away. I heard a voice and intended to go to him but I remembered his order, "Stay at your place till I return." On his return I asked, "O Allāh's Messenger! (What was) that noise which I heard?" He said, "Did you hear anything?" I said, "Yes." He said, "Jibrīl [Gabriel (عليه السلام)] came to me and said, 'Whoever amongst your followers dies, worshipping none along with Allāh, will enter Paradise.'" I said, "Even if he did such and such things (i.e., even if he stole or committed illegal sexual intercourse)"

٢٣٨٨ - حَدَّثَنِي أَحْمَدُ بنُ يُونُسَ: حدَّثَنا أَبُو شِهابٍ، عَنِ الأَعْمَشِ، عَنْ زَيْدِ بنِ وَهْبٍ، عَنْ أَبِي ذَرٍّ رَضِيَ اللهُ عَنْهُ قالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ، فَلَمَّا أَبْصَرَ -يَعْني أُحُداً- قالَ: «ما أُحِبُّ أَنَّهُ يُحَوَّلُ لي ذَهَباً يَمْكُثُ عِنْدِي مِنْهُ دِينارٌ فَوْقَ ثَلاثٍ إِلَّا دِيناراً أُرْصِدُهُ لِدَيْنٍ»، ثُمَّ قالَ: «إِنَّ الأَكْثَرِينَ هُمُ الأَقَلُّونَ، إِلَّا مَنْ قالَ بالمَالِ هٰكَذا وهٰكَذا، وأَشارَ أَبُو شِهابٍ بَيْنَ يَدَيْهِ وعَنْ يَمِينِه وعَنْ شِمالِهِ «وقَلِيلٌ مَا هُمْ. وقَالَ: «مَكانَكَ» وتَقَدَّمَ غَيرَ بَعِيدٍ فَسَمِعْتُ صَوْتاً فأَرَدْتُ أَنْ آتِيَهُ. ثُمَّ ذَكَرْتُ قَوْلَهُ: «مَكانَكَ حتَّى آتِيَكَ». فَلَمَّا جاءَ قُلْتُ: يا رَسُولَ اللهِ، الَّذي سَمِعْتُ - أَوْ قالَ: الصَّوْتُ الَّذي سَمِعْتُ -؟ قالَ: «وهَلْ سَمِعْتَ؟»

قُلْتُ: نَعَمْ، قالَ: «أتاني جِبْرِيلُ عَلَيْهِ الصَّلَاةُ السَّلامُ فَقالَ: مَنْ ماتَ مِنْ أُمَّتِكَ لا يُشْرِكُ باللهِ شَيْئاً دَخَلَ الجَنَّةَ»، قُلْتُ: ومَنْ فَعَلَ كذَا وكذَا؟ قالَ: «نَعَمْ». [راجع: ١٢٣٧]

He (ﷺ) said, "Yes."

٢٣٨٩ - حَدَّثَني أحْمَدُ بنُ شَبِيبِ بنِ سَعِيدٍ: حدَّثَنا أبي، عَنْ يُونُسَ، قالَ ابنُ شِهابٍ: حدَّثَني عُبَيْدُ اللهِ بنُ عَبْدِ اللهِ بنِ عُتْبَةَ قالَ: قالَ أبُو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: قالَ رَسُولُ اللهِ ﷺ: «لَوْ كانَ لِي مِثْلُ أُحُدٍ ذَهَباً ما يَسُرُّني أنْ لَا يُمرَّ عَلَيَّ ثَلاثٌ وعِنْدِي مِنْهُ شَيْءٌ إلَّا شَيْءٌ أُرْصِدُهُ لِدَيْنٍ». رَوَاهُ صَالِحٌ وعُقَيْلٌ عَنِ الزُّهْرِيِّ. [انظر: ٦٤٤٥، ٧٢٢٨]

2389. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "If I had gold equal to the mountain of Uḥud, it would not please me that it should remain with me for more than three days, except an amount which I would keep for repaying debts."

(٤) بابُ اسْتِقْرَاضِ الإبِلِ

(4) CHAPTER. To buy camels on credit.

٢٣٩٠ - حَدَّثَنا أبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ: أخْبَرَنا سَلَمَةُ بنُ كُهَيْلٍ قالَ: سَمِعْتُ أبا سَلَمَةَ بِمِنىً يُحَدِّثُ عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَجُلاً تَقاضَى رَسُولَ اللهِ ﷺ فأغْلَظَ لَهُ بِهِ فَهَمَّ أصْحَابُهُ فَقالَ: «دَعُوهُ فإنَّ لِصَاحِبِ الحَقِّ مَقَالاً واشْتَرُوا لَهُ بَعِيراً فأَعْطُوهُ إيَّاهُ»، وَقالُوا: لا نَجِدُ إلَّا أفْضَلَ مِنْ سِنِّهِ قالَ: «اشْتَرُوهُ فأعْطُوهُ إيَّاهُ فإنَّ خَيرَكُمْ أحْسَنُكُم قَضَاءً». [راجع: ٢٣٠٥]

2390. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A man demanded his debts from Allāh's Messenger ﷺ in such a rude manner that the companions of the Prophet ﷺ intended to harm him, but the Prophet ﷺ said, "Leave him, no doubt, for he (the creditor) has a right to demand it (harshly). Buy a camel and give it to him." They said, "The camel that is available is older and better than the camel he demands." The Prophet ﷺ said, "Buy it and give it to him, for the best among you are those who repay their debts handsomely."

(5) CHAPTER. Demanding debts handsomely.

(٥) بابُ حُسْنِ التَّقَاضِي

2391. Narrated Ḥudhaifa رَضِيَ الله عَنْهُ: I heard the Prophet ﷺ saying, "Once a man died and was asked, 'What did you use to say (or do) (in your lifetime)?' He replied, 'I was a businessman and used to give time to the rich to repay his debt and (used to) deduct part of the debt of the poor.' So he was forgiven (his sins.)"

Abū Mas'ūd said, "I heard the same (*Ḥadīth*) from the Prophet ﷺ."

٢٣٩١ - حَدَّثَنَا مُسْلِمٌ: حدَّثَنا شُعْبَةُ، عَنْ عَبْدِ المَلِكِ، عَنْ رِبْعِيٍّ، عَنْ حُذَيْفَةَ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «ماتَ رَجُلٌ فَقِيلَ لَهُ: ما كُنْتَ تَقُولُ؟ قالَ: كُنْتُ أُبايِعُ النَّاسَ فأَتَجَوَّزُ عَنِ المُوسِرِ، وأُخَفِّفُ عَنِ المُعْسِرِ، فَغُفِرَ لَهُ». قالَ أَبُو مَسْعُودٍ: سَمِعْتُهُ عَنِ النَّبِيِّ ﷺ.

[راجع: ٢٠٧٧]

(6) CHAPTER. Can one give an older (camel) than that he owes?

(٦) بابٌ هَلْ يُعْطَى أَكْبَرَ مِنْ سِنِّهِ؟

2392. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: A man came to the Prophet ﷺ and demanded a camel (the Prophet ﷺ owed him). Allāh's Messenger ﷺ told his companions to give him (a camel). They said, "We do not find except an older and better camel (than what he demands)."

(The Prophet ﷺ ordered them to give him that camel).

The man said, "You have paid me in full and may Allāh also pay you in full." Allāh's Messenger ﷺ said, "Give him, for the best amongst the people is he who repays his debts in the most handsome manner."

٢٣٩٢ - حَدَّثَنَا مُسَدَّدٌ؛ عَنْ يَحْيَى، عَنْ سُفْيانَ: حَدَّثَنِي سَلَمَةُ بنُ كُهَيْلٍ، عَنْ أَبي سَلَمَةَ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَجُلاً أَتَى النَّبِيَّ ﷺ يَتَقاضَاهُ بَعِيراً، قَالَ: قالَ رَسُولُ اللهِ ﷺ: «أَعْطُوهُ». فَقالُوا: لَا نَجِدُ إِلَّا سِنّاً أَفْضَلَ مِنْ سِنِّهِ، فَقالَ الرَّجُلُ: أَوْفَيْتَنِي أَوْفَاكَ اللهُ، فَقالَ رَسُولُ اللهِ ﷺ: «أَعْطُوهُ فإنَّ مِنْ خِيارِ النَّاسِ أَحْسَنَهُمْ قَضاءً».

[راجع: ٢٣٠٥]

(7) CHAPTER. Repaying debts handsomely.

(٧) بابُ حُسْنِ القَضَاءِ

2393. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ owed a camel of a certain age to a man who came to demand it back. The Prophet ﷺ ordered his companions to give him. They looked for a camel of the same age

٢٣٩٣ - حَدَّثَنَا أَبُو نُعَيم: حدَّثَنا سُفْيانُ، عَنْ سلَمَةَ، عَنْ أَبي سَلَمَةَ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ:

كَانَ لِرَجُلٍ عَلَى النَّبِيِّ ﷺ سِنٌّ مِنَ الإِبِلِ فَجَاءَهُ يَتَقَاضَاهُ فَقَالَ ﷺ: «أَعْطُوهُ»، فَطَلَبُوا سِنَّهُ فَلَمْ يَجِدُوا لَهُ إِلَّا سِنًّا فَوْقَهَا، فَقَالَ: «أَعْطُوهُ»، فَقَالَ: أَوْفَيْتَنِي أَوْفَى اللهُ بِكَ. قَالَ النَّبِيُّ ﷺ: «إِنَّ خِيَارَكُمْ أَحْسَنُكُمْ قَضَاءً». [راجع: ٢٣٠٥]

but found nothing but a camel one year older. The Prophet ﷺ told them to give it to him. The man said, "You have paid me in full, and may Allāh pay you in full." The Prophet ﷺ said, "The best amongst you is he who pays his debts in the most handsome manner."

٢٣٩٤ - حَدَّثَنَا خَلَّادٌ: حَدَّثَنَا مِسْعَرٌ: حَدَّثَنَا مُحَارِبُ بْنُ دِثَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا قَالَ: أَتَيْتُ النَّبِيَّ ﷺ وهُوَ فِي المَسْجِدِ - قَالَ مِسْعَرٌ: أُرَاهُ قَالَ: ضُحًى - فَقَالَ: «صَلِّ رَكْعَتَيْنِ» وكَانَ لِي عَلَيْهِ دَيْنٌ فَقَضَانِي وزَادَنِي. [راجع: ٤٤٣]

2394. Narrated Jābir bin 'Abdullāh رَضِيَ الله عَنْهُما: I went to the Prophet ﷺ while he was in the mosque. (Mis'ar thinks, that Jābir went in the forenoon.) The Prophet ﷺ told me to offer two *Rak'āt* prayer, and then he repayed me the debt he owed me and gave me an extra amount.

(٨) بَابٌ إِذَا قَضَى دُونَ حَقِّهِ أَو حَلَّلَهُ فَهُوَ جَائِزٌ

(8) CHAPTER. If somebody repays less than what he owes, (and the creditor accepts it) or if the creditor exempts the debtor from paying (there is no objection).

٢٣٩٥ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللهِ: أَخْبَرَنَا يُونُسُ، عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي ابنُ كَعْبِ بْنِ مَالِكٍ أَنَّ جَابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا أَخْبَرَهُ أَنَّ أَبَاهُ قُتِلَ يَوْمَ أُحُدٍ شَهِيداً وعَلَيْهِ دَيْنٌ فاشْتَدَّ الغُرَمَاءُ فِي حُقُوقِهِمْ، فأَتَيْتُ النَّبِيَّ ﷺ فَسَأَلَهُمْ أَنْ يَقْبَلُوا تَمْرَ حَائِطِي ويُحَلِّلُوا أَبِي فأَبَوْا، فَلَمْ يُعْطِهِمُ النَّبِيُّ ﷺ حَائِطِي وقَالَ: «سَنَغْدُو عَلَيْكَ»، فَغَدَا عَلَيْنَا

2395. Narrated Jābir bin 'Abdullāh رَضِيَ الله عَنْهُما: My father was martyred on the day (of the battle) of Uhud, and he was in debt. His creditors demanded their rights persistently. I went to the Prophet ﷺ (and informed him about it). He told them to take the fruits of my garden and exempt my father from the debts, but they refused to do so. So, the Prophet ﷺ did not give them my garden and told me that he would come to me the next morning. He came to us early in the morning and wandered among the date-palms and invoked Allāh to bless their fruits. I then plucked the dates and paid the creditors, and there remained some of the dates for us.

حِينَ أَصْبَحَ فَطَافَ فِي النَّخْلِ ودَعا فِي ثَمَرِها بالبرَكَةِ فَجَدَدْتُها فَقَضَيْتُهُمْ وبَقِيَ لَنَا مِنْ تَمْرِها. [راجع: ٢١٢٧]

(9) CHAPTER. It is permissible for one to settle one's accounts by repaying for the dates one owes, dates or other things, and one can repay them without weighing or measuring them (if the creditor agrees).

(٩) بابٌ إذا قاصَّ أو جازَفَهُ في الدَّيْنِ تَمْراً بِتَمْرٍ أَوْ غَيرِهِ

2396. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: When my father died he owed a Jew thirty *Awsuq* (of dates). I requested him to give me respite for repaying but he refused. I requested Allāh's Messenger ﷺ to intercede with the Jew. Allāh's Messenger ﷺ went to the Jew and asked him to accept the fruits of my trees in place of the debt but the Jew refused. Allāh's Messenger ﷺ entered the garden of the date-palms, wandering among the trees and ordered me (saying), "Pluck (the fruits) and give him his due." So, I plucked the fruits for him after the departure of Allāh's Messenger ﷺ and gave his thirty *Awsuq*, and still had seventeen *Awsuq* extra for myself. Jābir said: I went to Allāh's Messenger ﷺ to inform of what had happened, but found him offering the *Aṣr* prayer. After the *Ṣalāt* (prayer) I told him about the extra fruits which remained. Allāh's Messenger ﷺ told me to inform ('Umar) Ibn Al-Khaṭṭāb about it. When I went to 'Umar and told him about it, 'Umar said, "When Allāh's Messenger ﷺ walked in your garden, I was sure that Allāh would definitely bless it."

٢٣٩٦ - حَدَّثَنِي إِبْرَاهِيمُ بنُ المُنْذِرِ: حدَّثَنا أَنَسٌ، عَنْ هِشامٍ، عَنْ وَهْبِ بنِ كَيْسانَ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما أَنَّهُ أَخْبَرَهُ أَنَّ أَباهُ تُوُفِّيَ وتَرَكَ عَلَيْهِ ثَلاثِينَ وَسْقاً لِرَجُلٍ مِنَ اليَهُودِ، فاسْتَنْظَرَهُ جابِرٌ فأَبَى أَنْ يُنْظِرَهُ، فَكَلَّمَ جابِرٌ رَسُولَ اللهِ ﷺ لِيَشْفَعَ لَهُ إِلَيْهِ فَجاءَ رَسُولُ اللهِ ﷺ وكَلَّمَ اليَهُودِيَّ لِيَأْخُذَ ثَمَرَ نَخْلِهِ بِالَّتِي لَهُ فأَبَى فَدَخَلَ رَسُولُ اللهِ ﷺ النَّخْلَ فَمَشَى فِيها ثُمَّ قالَ لِجابِرٍ: «جُدَّ لَهُ فأَوْفِ لَهُ الَّذِي لَهُ»، فَجَدَّهُ بَعْدَ ما رَجَعَ رَسُولُ اللهِ ﷺ فَأَوْفاهُ ثَلاثِينَ وَسْقاً وفَضَلَتْ لَهُ سَبْعَةَ عَشَرَ وَسْقاً، فَجاءَ جابِرٌ رَسُولَ اللهِ ﷺ لِيُخْبِرَهُ بِالَّذِي كانَ فَوَجَدَهُ يُصَلِّي العَصْرَ، فَلَمَّا انْصَرَفَ أَخْبَرَهُ بِالفَضْلِ فَقالَ: «أَخْبِرْ ذٰلِكَ ابنَ الخَطَّابِ»، فَذَهَبَ جابِرٌ إِلى عُمَرَ فأَخْبَرَهُ، فَقالَ لَهُ عُمَرُ: لَقَدْ عَلِمْتُ حِينَ مَشَى فِيها رَسُولُ اللهِ ﷺ لَيُبارَكَنَّ فِيها. [راجع: ٢١٢٧]

(10) CHAPTER. Whoever seeks refuge with Allāh from being in debt.

(١٠) **بابُ** مَنِ اسْتَعاذَ مِنَ الدَّيْنِ

2397. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ used to invoke Allāh in the *Ṣalāt* (prayer) saying, "O Allāh, I seek refuge with you from all sins, and from being in debt." Someone said, "O Allāh's Messenger! (I see) very often you seek refuge with Allāh from being in debt." He replied, "If a person is in debt, he tells lies when he speaks, and breaks his promises when he promises."

٢٣٩٧ - **حدَّثَنا** أبو اليَمانِ: أخبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ ح وحدَّثَنا إسْماعِيلُ قالَ: حدَّثَني أخِي، عَنْ سُلَيْمانَ، عَنْ مُحَمَّدِ بنِ أبي عَتِيقٍ، عنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها أخْبَرَتْهُ: أنَّ رَسُولَ اللهِ ﷺ كان يَدْعُو في الصَّلاةِ ويَقُولُ: «اللَّهُمَّ إنِّي أعُوذُ بِكَ مِنَ المَأْثَمِ والمَغْرَمِ». فَقالَ قائِلٌ: ما أكْثَرَ ما تَسْتَعِيذُ يا رَسُولَ اللهِ مِنَ المَغْرَمِ! قالَ: إنَّ الرَّجُلَ إذَا غَرِمَ حَدَّثَ فَكَذَبَ ووَعَدَ فَأخْلَفَ».

[راجع: ٨٣٢]

(11) CHAPTER. The funeral *Ṣalāt* (prayer) for a dead person in debt.

(١١) **بابُ** الصَّلاةِ عَلى مَنْ تَرَكَ دَيْناً

2398. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "If someone leaves some property, it will be for the inheritors, and if he leaves some weak offspring, it will be for us to support them."

٢٣٩٨ - **حَدَّثَنا** أبو الوَلِيدِ: حدَّثَنا شُعْبَةُ، عَن عَدِيِّ بْنِ ثابِتٍ، عَنْ أبي حازِمٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «مَنْ تَرَكَ مالاً فَلِوَرَثَتِهِ، ومَنْ تَرَكَ كَلاًّ فَإلَيْنا».

[راجع: ٢٢٩٨]

2399. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "I am closer to the believers than their ownselves in this world and in the Hereafter, and if you like, you can read Allāh's Statement:

'The Prophet is closer to the believers than their ownselves…' (V.33:6)

So, if a true believer dies and leaves

٢٣٩٩ - **حَدَّثَني** عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا أبُو عامِرٍ: حدَّثَنا فُلَيْحٌ، عَنْ هِلالِ ابنِ عَلِيٍّ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ أبي عَمْرَةَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبِيَّ ﷺ

behind some property, it will be for his inheritors (from the father's side), and if he leaves behind some debt to be paid or needy offspring, then they should come to me as I am the guardian of the deceased."

قالَ: «ما مِنْ مُؤْمِنٍ إلَّا وأنا أَوْلَىٰ بِهِ في الدُّنْيا والآخِرَةِ، اقْرَؤُوا إن شِئْتُمْ: ﴿ٱلنَّبِيُّ أَوْلَىٰ بِٱلْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ﴾ [الأحزاب: ٦] فأيُّما مُؤْمِنٍ ماتَ وتَرَكَ مَالاً فَلْيَرِثْهُ عَصَبَتُهُ مَنْ كانُوا، وَمَنْ تَرَكَ دَيْناً أو ضَيَاعاً فَلْيَأْتِنِي فَأَنا مَوْلاهُ». [راجع: ٢٢٩٨]

(12) CHAPTER. Procrastination (delay) in repaying debts by a wealthy person is injustice.

(١٢) بابٌ مَطْلِ الغَنِيِّ ظُلْمٌ

2400. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ said, "Procrastination (delay) in repaying debts by a wealthy person is injustice."

٢٤٠٠ - حَدَّثَنَا مُسَدَّدٌ: حدَّثنا عَبْدُ الأعْلى، عَنْ مَعْمَرٍ، عَنْ هَمَّامِ بنِ مُنَبِّهٍ أخِي وَهبِ ابنِ مُنَبِّهٍ: أَنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «مَطْلُ الغَنِيِّ ظُلْمٌ». [راجع: ٢٢٨٧]

(13) CHAPTER. The owner of the right has the permission to demand his right.

(١٣) بابٌ لِصَاحِبِ الحَقِّ مَقالٌ،

The Prophet ﷺ said, "The delay in the payment of debt by one who can afford to pay, justifies his defamation and torture by the lender." Defamation means that the lender tells him in public that he has delayed the payment. Torture means legal imprisonment.

ويُذْكَرُ عَنِ النَّبِيِّ ﷺ: «لَيُّ الوَاجِدِ يُحِلُّ عِرْضَهُ وَعُقُوبَتَهُ». قالَ سُفْيانُ: «عِرْضُهُ» يَقُولُ: مَطَلْتَنِي، «وعُقُوبَتُهُ»: الحَبْسُ.

2401. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: A man came to the Prophet ﷺ and demanded his debts and used harsh words. The companions of the Prophet ﷺ wanted to harm him, but the Prophet ﷺ said, "Leave him, as the (creditor) (one who has a right) has the full right to demand it (or to speak harshly)."

٢٤٠١ - حَدَّثَنَا مُسَدَّدٌ: حدَّثنا يَحْيى، عَنْ شُعْبَةَ، عَنْ سَلَمَةَ، عَنْ أبي سَلَمَةَ، عَنْ أبي هُرَيرةَ رَضِيَ اللهُ عَنْهُ قَالَ: أتَى النَّبِيَّ ﷺ رَجُلٌ يَتَقاضَاهُ فأغْلَظَ لَهُ فَهَمَّ بِهِ أصْحابُهُ فَقالَ: «دَعُوهُ فإنَّ لِصاحِبِ الحَقِّ مَقَالاً». [راجع: ٢٣٠٥]

(14) CHAPTER. If somebody lends something or sells it on credit or deposits it as a trust, and the new possessor gets bankrupt, the former owner has more right than the other creditors to restore that thing if he finds it with the bankrupt.

(١٤) **بابٌ** إذَا وجَدَ مالَهُ عِنْدَ مُفْلِسٍ في البَيْعِ والقَرْضِ والوَدِيعَةِ فَهُوَ أحَقُّ بِهِ،

Al-Ḥasan said, "If somebody becomes bankrupt and he is judged to be so, he is not permitted to free his slave or sell or buy things."

Sa'īd bin Al-Musaiyab said " 'Uthmān gave a verdict that if a creditor took something from the debtor before the latter was declared bankrupt, it would belong to him (i.e., the other creditors would have no right to take it), and if the creditor recognized his things, he had more right to restore them (than any other creditor)."

وقالَ الحَسنُ: إذَا أفْلَسَ وتَبَيَّنَ لَمْ يَجُزْ عِتْقُهُ وَلا بَيْعُهُ ولا شِرَاؤُهُ. وقالَ سَعِيدُ بنُ المُسَيَّبِ: قَضَى عُثمانُ: مَنِ اقْتَضَى مِنْ حَقِّهِ قَبْلَ أنْ يُفْلِسَ فَهُوَ لَهُ، ومَنْ عَرَفَ مَتَاعَهُ بِعَيْنِهِ فَهُوَ أحَقُّ بِهِ.

2402. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "If a man finds his very things with a bankrupt, he has more right to take them back than anyone else."

٢٤٠٢ - حَدَّثَنَا أحْمَدُ بنُ يُونُسَ: حدَّثنا زُهيرٌ حدَّثَنا يَحْيى بنُ سَعِيدٍ قالَ: أخْبَرَني أبُو بَكْرِ بنُ مُحَمَّدِ بنِ عَمْرِو بنِ حَزْمٍ: أنَّ عُمَرَ بنَ عَبْدِ العَزِيْزِ أخْبَرَهُ أنَّ أبا بَكْرِ بنَ عَبْدِ الرَّحْمٰنِ بنِ الحَارِثِ ابنِ هِشامٍ أخْبرَهُ: أنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ ﷺ - أوْ قالَ: سَمِعْتُ رسُولَ اللهِ ﷺ يَقُولُ-: «مَنْ أدْرَكَ مالَهُ بِعَيْنِهِ عِنْدَ رَجُلٍ أوْ إنْسَانٍ قَدْ أفْلَسَ فَهُوَ أحَقُّ بِهِ مِن غَيرِهِ».

(15) CHAPTER. Whoever delayed the repayment of debts for a day or so and did not regard it as procrastination.

(١٥) **بابٌ** مَنْ أخَّرَ الغَرِيمَ إلَى الغَدِ أو نَحْوِهِ وَلَمْ يَرَ ذٰلكَ مَطْلاً

Jābir said, "When the creditors of my father demanded their rights persistently, the Prophet ﷺ requested them to take the fruits of my garden instead of the debt, but they refused. So, the Prophet ﷺ neither gave

وقالَ جابِرٌ: اشْتَدَّ الغُرَمَاءُ في حُقُوقِهِمْ في دَيْنِ أبِي فَسَألَهُمُ النَّبِيُّ ﷺ أنْ يَقْبَلُوا ثَمَرَ حَائِطِي فأبَوْا فَلَمْ

them the fruits nor had the fruits plucked for them, but said, 'I will come to you tomorrow.' He came to us early in the morning and invoked Allāh to bless the garden's fruits, and so I paid the creditors their rights."

يُعْطِهِمُ الْحَائِطَ ولَمْ يَكْسِرْهُ لَهُمْ، وَقالَ: «سأغْدُو عَلَيكُمْ غداً»، فَغَدَا عَلَيْنا حِينَ أَصْبَحَ فَدَعا في ثَمرِهَا بالبَرَكَةِ فقَضَيْتُهُمْ.

(16) CHAPTER. Whoever sold the property of a bankrupt or a poor man and divided the money amongst the creditors or gave it (piecemeal) to the man to spend it on his affairs.

(١٦) بابُ مَنْ باعَ مالَ المُفْلِسِ أوِ المُعْدِمِ فَقَسَمَهُ بَيْنَ الغُرَمَاءِ أوْ أعْطاهُ حتَّى يُنْفِقَ عَلى نَفْسِهِ

2403. Narrated Jābir bin 'Abdullāh رَضِيَ الله عَنْهما: A man pledged that his slave would be manumitted after his death. The Prophet ﷺ asked, "Who will buy the slave from me?"[1] Nu'aim bin 'Abdullāh bought the slave and the Prophet ﷺ took its price and gave it to the owner.

٢٤٠٣ - حَدَّثَنَا مُسَدَّدٌ: حدَّثنا يَزِيدُ ابنُ زُرَيْعٍ: حدَّثنا حُسَيْنٌ المُعَلِّمُ: حدَّثَنا عَطاءُ بنُ أبي رَباحٍ عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: أعْتَقَ رَجُلٌ غُلاماً لَهُ عَنْ دُبُرٍ، فَقالَ النَّبِيُّ ﷺ: «مَنْ يَشْتَرِيهِ مِنِّي؟» فاشْتَرَاهُ نُعَيمُ بنُ عَبْدِ اللهِ فأخَذَ ثَمَنَهُ فَدَفَعَهُ إلَيْهِ». [راجع: ٢١٤١]

(17) CHAPTER. It is permissible to lend money for a fixed time or sell on credit for a fixed time.

(١٧) بابٌ إذَا أقْرَضَهُ إلىٰ أجَلٍ مُسَمًّى أوْ أجَّلَهُ في البَيْعِ

Ibn 'Umar said concerning loans for a fixed time, "There is no objection to it, even if the debtor gives more than he owes if the creditor has not stipulated it."

'Aṭā' and 'Amr bin Dīnār said, "The lender has no right to demand his money before the due time of payment."

وقالَ ابنُ عُمَرَ في القَرْضِ إلىٰ أجَلٍ: لا بَأسَ بِهِ، وإنْ أُعْطِيَ أفْضَلَ مِنْ دَرَاهِمِهِ ما لَمْ يَشْتَرِطْ. وقالَ عَطاءٌ وعَمْرُو بنُ دِينارٍ: هُوَ إلى أجَلِهِ في القَرْضِ.

2404. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ mentioned an Israeli man who asked another Israeli to lend him money, and the latter gave it to him for a fixed period. (Abū Hurairah mentioned the rest of the narration.)

[See chapter: *Kafāla* in loans and

٢٤٠٤ - وقالَ اللَّيْثُ: حدَّثَني جَعْفَرُ ابنُ رَبيعَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ هُرْمُزَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ: أنَّهُ ذَكَرَ رَجُلاً مِنْ بَني إسْرَائِيلَ سَألَ بَعْضَ بَني إسْرَائِيلَ

(1) (H. 2403) The man became in need or in debt, so the Prophet ﷺ sold the slave for him although he had promised that he would be manumitted after his death.

debts. *Ḥadīth* 2291].

أَنْ يُسْلِفَهُ فَدَفَعَهَا إِلَيْهِ إِلى أَجَلٍ مُسَمًّى، فَذَكَرَ الحَدِيثَ. [راجع: ١٤٩٨]

(18) CHAPTER. Intercession for the reduction of debts.

(١٨) بابُ الشَّفَاعَةِ في وَضْعِ الدَّيْنِ

2405. Narrated Jābir رَضِيَ اللهُ عَنْهُ: When 'Abdullāh (my father) died, he left behind children and debts. I asked the lenders to put down some of his debt, but they refused, so I went to the Prophet ﷺ to intercede with them, yet they refused. The Prophet ﷺ said (to me), "Classify your dates into their different kinds: *I'dhq Ibn Zaid, Lean* and *'Ajwa*, each kind separately and call all the creditors and wait till I come to you." I did so, and the Prophet ﷺ came and sat beside the dates and started measuring to each his due till he paid them fully, and the amount of dates remained as it was before, as if he had not touched them.

٢٤٠٥ - **حَدَّثَنا** مُوسَى: حدَّثَنا أَبُو عَوَانَةَ، عَنْ مُغِيرَةَ، عَنْ عامِرٍ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: أُصِيبَ عَبْدُ اللهِ وتَرَكَ عِيالاً ودَيْناً، فَطَلَبْتُ إِلى أَصْحابِ الدَّيْنِ أَنْ يَضَعُوا بَعْضاً فأَبَوْا، فأَتَيْتُ النَّبِيَّ ﷺ فاسْتَشْفَعْتُ بهِ عَلَيْهِمْ فَأَبَوْا، فَقالَ: «صَنِّفْ تَمْرَكَ كُلَّ شَيْءٍ مِنْهُ عَلى حِدَةٍ، عِذْقَ ابنِ زَيْدٍ عَلى حِدَةٍ، واللِّينَ عَلى حِدَةٍ، والعَجْوَةَ عَلى حِدَةٍ ثُمَّ أَحْضِرْهُمْ حتَّى آتِيَكَ»، فَفَعَلْتُ. ثُمَّ جاءَ عَلَيهِ السَّلامُ فَقَعَدَ عَلَيْهِ وكَالَ لِكُلِّ رَجُلٍ حتَّى اسْتَوْفىٰ وبَقِيَ التَّمْرُ كما هُوَ كَأَنَّهُ لَمْ يُمَسَّ. [راجع: ٢١٢٧]

2406. (On another occasion) I took part in one of *Ghazawāt* along with the Prophet ﷺ and I was riding one of our camels. The camel got tired and was lagging behind the others. The Prophet ﷺ hit it on its back. He said, "Sell it to me, and you have the right to ride it till Al-Madīna." When we approached Al-Madīna, I took the permission from the Prophet ﷺ to go to my house, saying, "O Allāh's Messenger! I am married recently." The Prophet ﷺ asked, "Have you married a virgin or a matron (a widow or divorcee)?" I said, "I have married a matron, as 'Abdullāh (my father) died and left behind daughters small in their ages, so I married a matron

٢٤٠٦ - وغَزَوْتُ مَعَ النَّبِيِّ ﷺ عَلى نَاضِحٍ لَنا فأَزْحَفَ الجَمَلُ فَتَخَلَّفَ عَلَيَّ فَوَكَزَهُ النَّبِيُّ ﷺ مِنْ خَلْفِهِ، قالَ: «بِعْنِيهِ ولكَ ظَهْرُهُ إِلَى المَدِينَةِ»، فَلَمَّا دَنَوْنا اسْتَأْذَنْتُ فَقُلْتُ: يا رَسُولَ اللهِ، إِنِّي حَدِيثُ عَهْدٍ بِعُرْسٍ. قالَ ﷺ: «فَمَا تَزَوَّجْتَ؟ بِكْراً أَمْ ثَيِّباً؟» قُلتُ: ثَيِّباً. أُصِيبَ عَبْدُ اللهِ وتَرَكَ جَوارِيَ صِغاراً، فَتزَوَّجْتُ ثَيِّباً تُعَلِّمُهُنَّ وتُؤَدِّبُهُنَّ، ثُمَّ

قالَ: «ائْتِ أَهْلَكَ»، فَقَدِمْتُ فأَخْبَرْتُ خالي بِبَيْعِ الجَمَلِ فَلَامَني. فأَخْبَرْتُه بإعْيَاءِ الجَمَلِ، وبالَّذِي كانَ مِنَ النَّبيِّ ﷺ ووَكْزِه إيَّاهُ، فَلَمَّا قَدِمَ النَّبيُّ ﷺ غَدَوْتُ إلَيْهِ بالجَمَلِ فأَعْطاني ثَمَنَ الجَمَلِ والْجَمَلَ وسَهْمِي مَعَ القَوْمِ. [راجع: ٤٤٣]

who may teach them and bring them up with good manners." The Prophet ﷺ then said (to me), "Go to your family." When I went there and told my maternal uncle about the selling of the camel, he admonished me for it. On that I told him about its slowness and exhaustion and about what the Prophet ﷺ had done to the camel and his hitting it. When the Prophet ﷺ arrived, I went to him with the camel in the morning and he gave me the price of the camel and the camel itself, and also my share from the war booty as he gave the other people.

(١٩) بابُ ما يُنْهى عَنْ إضاعَةِ الْمَالِ

(19) CHAPTER. What is forbidden as regards wasting money.

وقَوْلِ الله تَبارَكَ وتَعالى: ﴿وَاللَّهُ لَا يُحِبُّ الْفَسَادَ﴾ [البقرة: ٢٠٥] و﴿لَا يُصْلِحُ عَمَلَ الْمُفْسِدِينَ﴾ [يونس: ٨١] وقالَ في قَوْلِهِ تَعالىٰ: ﴿أَصَلَوٰتُكَ تَأْمُرُكَ أَن نَّتْرُكَ مَا يَعْبُدُ ءَابَآؤُنَآ أَوْ أَن نَّفْعَلَ فِىٓ أَمْوَٰلِنَا مَا نَشَٰٓؤُا۟﴾ [هود: ٨٧] وقالَ تَعالى: ﴿وَلَا تُؤْتُوا۟ السُّفَهَآءَ أَمْوَٰلَكُمُ﴾ [النساء: ٥] والحَجْرِ في ذٰلِكَ وما يُنْهَى عَنِ الخِدَاعِ.

And the Statement of Allāh تعالى:
"... And Allāh likes not mischief..." (V.2:205).
"... Verily Allāh does not set right the work of *Al-Mufsidūn* (the evil-doers, corrupters)..." (V.10:81)
And the Statement of Allāh تعالى:
"Does your *Ṣalāt* (prayer) command that we give up what our fathers used to worship, or that we give up doing what we like with our property?..." (V.11:87)
Allāh تعالى also said:
"And give not unto the foolish your property..." (V.4:5)
And to keep away from all these (things), and (also) what is forbidden as regards deceit.

٢٤٠٧ - حَدَّثَنَا أبو نُعَيم: حدَّثنا سُفْيانُ، عَنْ عَبْدِ اللهِ بنِ دِينارٍ: سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: قالَ رَجُلٌ للنَّبِيِّ ﷺ: إنِّي أُخْدَعُ في البُيُوعِ، فَقالَ: «إذَا بايَعْتَ فَقُلْ: لَاخِلابَةَ»، فَكانَ الرَّجُلُ يَقُولُهُ. [راجع: ٢١١٧]

2407. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: A man came to the Prophet ﷺ and said, "I am often betrayed in bargaining." The Prophet ﷺ advised him, "When you buy something, say (to the seller), 'No deception'." The man used to say so afterwards.

2408. Narrated Al-Mughīra bin Shu'ba رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Allāh has forbidden for you (1) to be undutiful to your mothers, (2) to bury your daughters alive, (3) to not to pay the rights of the poor and others (e.g. charity) and (4) to beg of men (i.e., begging). And Allāh hates for you (1) *Qīl* and *Qāl* (sinful and useless talk like backbiting or that you talk too much about others), (2) to ask too many questions, (in disputed religious matters), and (3) to waste the wealth (by extravagance with lack of wisdom and thinking)."

٢٤٠٨ - حدَّثني عُثمانُ: حدَّثَنا جَريرٌ، عَنْ مَنصُورٍ، عَنِ الشَّعْبِيِّ، عَنْ وَرَّادٍ مَوْلى المُغيرَةِ بنِ شُعْبَةَ، عَنِ المُغيرَةِ بنِ شُعْبَةَ قالَ: قالَ النَّبيُّ ﷺ: «إنَّ اللهَ حَرَّمَ عَلَيْكُمْ عُقُوقَ الأُمَّهاتِ، ووَأْدَ البَناتِ، ومَنَعَ وهاتِ. وكَرِهَ لَكُمْ قِيلَ وقالَ، وكَثْرةَ السُّؤالِ، وإضاعَةَ المَالِ». [راجع: ٨٤٤]

(20) CHAPTER. A slave is a guardian of the property of his master and he should not use it except with the master's permission.

(٢٠) بابٌ العَبْدُ رَاعٍ في مالِ سَيِّدِهِ ولا يَعْمَلُ إلّا بإذْنِهِ

2409. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: I heard Allāh's Messenger ﷺ saying, "Everyone of you is a guardian and responsible for what is in his custody. The ruler is a guardian of his subjects and responsible for them; a husband is a guardian of his family and is responsible for it; a lady is a guardian of her husband's house and is responsible for it, and a servant is a guardian of his master's property and is responsible for it." I heard that from Allāh's Messenger ﷺ and I think that the Prophet ﷺ also said, "A man is a guardian of his father's property and is responsible for it; so all of you are guardians and responsible for your wards and things under your care."

٢٤٠٩ - حَدَّثَنا أبُو اليَمانِ: أخبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أخبَرَني سالِمُ ابنُ عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ يَقُولُ: «كُلُّكُمْ رَاعٍ ومَسْؤُولٌ عَنْ رَعِيَّتِهِ، فالإمامُ رَاعٍ وهُوَ مَسْؤُولٌ عَنْ رَعِيَّتِهِ، والرَّجُلُ في أهْلِهِ رَاعٍ وهُوَ مَسْؤُولٌ عَنْ رَعِيَّتِهِ، والمَرْأةُ في بَيْتِ زَوْجِها رَاعِيَةٌ وهِيَ مَسْؤُولَةٌ عَنْ رَعِيَّتِها، والخادِمُ في مالِ سَيِّدِهِ رَاعٍ وهُوَ مَسْؤُولٌ عَنْ رَعِيَّتِهِ». قالَ: فَسَمِعْتُ هٰؤُلاءِ مِنْ رَسُولِ اللهِ ﷺ وأحْسِبُ النَّبِيَّ ﷺ قالَ: «والرَّجُلُ في مالِ أبيهِ رَاعٍ وهُوَ مَسْؤُولٌ عَنْ رَعِيَّتِهِ، فَكُلُّكُمْ رَاعٍ وكُلُّكُمْ مَسْؤُولٌ عَنْ رَعِيَّتِهِ». [راجع: ٨٩٣]

44 – THE BOOK OF QUARRELS

٤٤ - كتاب الخصومات

(1) CHAPTER. What is mentioned about the people, and quarrels between the Jews and the Muslims.

2410. Narrated 'Abdullāh bin Mas'ūd رَضِيَ اللهُ عَنْهُ: I heard a man reciting a Verse (of the Qur'ān) but I had heard the Prophet ﷺ reciting it differently. So, I caught hold of the man by the hand and took him to Allāh's Messenger ﷺ who said, "Both of you are right." Shu'ba, the subnarrator said, "I think he said to them, "Don't differ, for the nations before you differed and perished (because of their differences)."

2411. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Two persons, a Muslim and a Jew, quarrelled. The Muslim said, "By Him Who gave Muhammad (ﷺ) superiority over all the people!" The Jew said, "By Him Who gave Mūsa [Moses (عليه السلام)] superiority over all the people!" At that the Muslim raised his hand and slapped the Jew on the face. The Jew went to the Prophet ﷺ and informed him of what had happened between him and the Muslim. The Prophet ﷺ sent for the Muslim and asked him about it. The Muslim informed him of the event. The Prophet ﷺ said, "Do not give me superiority over Mūsa, for on the Day of Resurrection all the people will fall unconscious and I will be one of them, but I will be the first to regain consciousness, and will see Mūsa standing and holding the side of the Throne (of Allāh). I will not know whether (Mūsa) has also fallen unconscious and got up before

(١) بابُ ما يُذْكَرُ في الإِشْخاصِ والخُصومَةِ بَيْنَ المُسْلِمِ والْيَهُودِ

٢٤١٠ - حَدَّثَنَا أَبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ، قالَ: عَبْدُ المَلِكِ بنُ مَيْسَرَةَ أَخْبرَني، قالَ: سَمِعْتُ النزَّالَ بنَ سَبْرَةَ: سَمِعْتُ عَبْدَ اللهِ يَقُولُ: سَمِعْتُ رَجُلاً قَرَأَ آيَةً، سَمِعْتُ مِنَ النَّبِيِّ ﷺ خِلافَها فأَخَذْتُ بِيَدِهِ فأَتَيْتُ بِهِ رَسُولَ اللهِ ﷺ فَقالَ: «كِلاكُما مُحْسِنٌ»، قالَ شُعْبَةُ: أَظُنُّهُ قالَ: «لا تَخْتَلِفُوا فإِنَّ مَنْ كانَ قَبْلَكُمْ اخْتَلَفُوا فَهَلَكُوا». [انظر: ٣٤٧٦، ٥٠٦٢]

٢٤١١ - حَدَّثَنَا يَحْيى بنُ قَزَعَةَ: حدَّثَنا إِبْرَاهِيمُ بنُ سَعْدٍ، عَنِ ابنِ شِهابٍ: عَنْ أَبي سَلَمَةَ وعَبْدِ الرَّحْمٰنِ الأَعْرَجِ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: اسْتَبَّ رَجُلانِ، رَجُلٌ مِنَ المُسْلِمِينَ ورَجُلٌ مِنَ اليَهُودِ، فَقالَ المُسْلِمُ: والَّذِي اصْطَفَى مُحَمَّداً عَلَى العالَمِيْنَ. فَقالَ اليَهُودِيُّ: والَّذِي اصْطَفَى مُوسَى عَلى العالَمِيْنَ، فَرَفَعَ المُسْلِمُ يَدَهُ عِنْدَ ذٰلكَ فَلَطَمَ وَجْهَ اليَهُودِيِّ. فَذَهَبَ اليَهُودِيُّ إِلى النَّبِيِّ ﷺ فأَخْبرَهُ بِما كانَ مِنْ أَمْرِهِ وأَمْرِ المُسْلمِ، فَدَعا النَّبِيُّ ﷺ المُسْلِمَ فَسَأَلَهُ عَنْ ذٰلكَ فأَخْبرَهُ. فَقالَ النَّبِيُّ

me, or Allāh has exempted him from that stroke."

ﷺ: «لا تُخَيِّرُوني عَلى مُوسَى، فإنَّ النَّاسَ يَصْعَقُونَ يَوْمَ القِيامَةِ فأصْعَقُ مَعَهُمْ فَأَكُونُ أوَّلَ مَنْ يُفِيقُ فإذَا مُوسى باطِشٌ جَانِبَ العَرْشِ فَلَا أَدْرِي أكانَ فِيمَنْ صَعِقَ فأفاقَ قَبْلي، أو كانَ مِمَّن اسْتَثْنَى اللهُ». [انظر: ٣٤٠٨، ٣٤١٤، ٤٨١٣، ٦٥١٧، ٦٥١٨، ٧٤٢٨]

2412. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: While Allāh's Messenger ﷺ was sitting, a Jew came and said, "O Abūl Qāsim! One of your companions has slapped me on my face." The Prophet ﷺ asked who that was. He replied that he was one of the *Anṣār*. The Prophet ﷺ sent for him, and on his arrival, he asked him whether he had beaten the Jew. He (replied in the affirmative and) said, "I heard him taking an oath in the market saying, 'By Him Who gave Mūsa (Moses) superiority over all the human beings.' I said, 'O wicked man! (Has Allāh given Mūsa superiority) even over Muḥammad ﷺ.?' I became furious and slapped him over his face." The Prophet ﷺ said, "Do not give a Prophet superiority over another, for on the Day of Resurrection all the people will fall unconscious; and I will be the first to emerge from the earth, and will see Mūsa standing and holding one of the pillars of the Throne. I will not know whether Mūsa has fallen unconscious or the first unconsciousness was sufficient for him."[1]

٢٤١٢ - حَدَّثَنَا مُوسَى بنُ إسْمَاعِيلَ: حدَّثَنا وُهَيْبٌ: حدَّثَنا عَمْرُو ابنُ يَحْيَى، عَنْ أبيهِ، عَنْ أبي سَعِيْدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ قالَ: بَيْنَا رَسُولُ اللهِ ﷺ جالِسٌ جَاءَ يَهُودِيٌّ فَقالَ: يَا أَبَا الْقَاسِمِ، ضَرَبَ وَجْهي رَجُلٌ منْ أصْحَابِكَ. فَقالَ: «مَنْ؟» قالَ رَجُلٌ مِنَ الأَنْصَارِ. قالَ: «ادْعُوهُ»، فَقالَ: «أضَرَبْتَهُ؟» قالَ: سَمِعْتُهُ بالسُّوقِ يَحْلِفُ والَّذِي اصْطَفَى مُوسَى عَلى البَشَرِ؛ قُلْتُ: أيْ خَبِيثُ عَلى مُحَمَّدٍ ﷺ؟ فأخَذَتْني غَضْبَةٌ ضَرَبْتُ وَجْهَهُ. فَقالَ النَّبيُّ ﷺ: «لا تُخَيِّرُوا بَيْنَ الأَنْبِيَاءِ فإنَّ النَّاسَ يَصْعَقُونَ يَوْمَ القِيامَةِ فأكُونُ أوَّلَ مَنْ تَنْشَقُّ عَنْهُ الأرْضُ فإذَا أنا بِمُوسَى آخِذٌ بِقائِمَةٍ مِنْ قَوائِمِ العَرْشِ، فَلا أدْري أكانَ فِيمَنْ صَعِقَ، أمْ حُوسِبَ بِصَعْقَةِ الأولى». [انظر: ٣٣٩٨، ٤٦٣٨، ٦٩١٦، ٦٩١٧، ٧٤٢٧]

(1) (H. 2412) This is an allusion to the event where Mūsa (Moses) fell unconscious on wishing to see Allāh when he was beside the mountain. (See the Qur'ān V. 7:143)

2413. Narrated Anas رَضِيَ اللهُ عَنْهُ: A Jew crushed the head of a girl between two stones. The girl was asked who had crushed her head, and some names were mentioned before her, and when the name of the Jew was mentioned, she nodded agreeing. The Jew was caught and when he confessed, the Prophet ﷺ ordered that his head be crushed between two stones.

٢٤١٣ - حَدَّثَنَا مُوسَى: حدَّثنا هَمَّامٌ، عَنْ قَتادَةَ، عَنْ أَنسٍ رَضِيَ اللهُ عَنْهُ: أنَّ يَهُودِياً رَضَّ رَأسَ جارِيَةٍ بَينَ حَجَرَيْنِ، قِيلَ: مَنْ فَعَلَ هٰذا بِكِ؟ أفُلانٌ أفُلانٌ؟ حتَّى سُمِّيَ اليهُودِيُّ فأوْمَأَت بِرَأسِها، فأُخِذَ اليهُودِيُّ فاعْتَرَفَ فأمَرَ بِهِ النَّبِيُّ ﷺ فَرُضَّ رَأسُهُ بَينَ حَجَرَيْنِ. [انظر: ٢٧٤٦، ٥٢٩٥، ٦٨٧٦، ٦٨٧٧، ٦٨٧٩، ٦٨٨٤، ٦٨٨٥]

(2) CHAPTER. Whoever cancelled the deals done by a weak-minded or an extravagant person even if the ruler had not assumed control over his wealth.

(٢) بابٌ مَنْ رَدَّ أمْرَ السَّفِيهِ والضَّعِيفِ العَقْلِ، وإنْ لَمْ يَكُنْ حَجَرَ عَلَيْهِ الإمامُ

Jābir رَضِيَ اللهُ عَنْهُ narrated that the Prophet ﷺ rejected the gift of charity (given by a poor man) before he prohibited him (from giving in charity).

Mālik said, "If a person is in debt and he has nothing except a slave, it is not permissible for him to manumit the slave."

ويُذْكَرُ عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ أنَّ النَّبِيَّ ﷺ رَدَّ عَلى المُتَصَدِّقِ قَبْلَ النَّهْيِ، ثُمَّ نَهاهُ. وقالَ مالِكٌ: إذَا كانَ لِرَجُلٍ عَلى رَجُلٍ مالٌ ولَهُ عَبْدٌ وَلا شَيْءَ لَهُ غَيرُهُ فأعْتَقَهُ لَمْ يَجُزْ عِتْقُهُ.

(3) CHAPTER. If somebody sells a thing for a weak-minded person and pays him the price, and advised him to utilize it in a proper way and not to spoil it, and he spoils it, he can stop him from doing so, for the Prophet ﷺ had forbidden the wasting of the property. The Prophet ﷺ ordered the person who said that he had always been cheated in buying, to say, at the time of the deal, "No cheating!" The Prophet ﷺ did not take his money (of the person who sold his slave, because he had not proved foolish).

(٣) بابٌ مَنْ باعَ عَلى الضَّعِيفِ ونَحْوِهِ فَدَفَعَ ثَمَنَهُ إلَيْهِ وأمَرَهُ بالإصْلاحِ والقِيامِ بِشأنِهِ فإنْ أفْسَدَ بَعْدُ مَنَعَهُ لأنَّ النَّبِيَّ ﷺ نَهى عَنْ إضاعَةِ المَالِ، وقالَ لِلَّذِي يُخْدَعُ في البَيْعِ: «إذَا بِعْتَ فَقُلْ: لا خِلابَةَ»، ولَمْ يَأخُذِ النَّبِيُّ ﷺ مالَهُ.

2414. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: A man was often cheated in buying. The

٢٤١٤ - حَدَّثَنا مُوسَى بنُ

إسمَاعِيلَ: حدَّثَني عَبْدُ العَزِيزِ بنُ مُسْلِمٍ: حدَّثَنا عَبْدُ اللهِ ابنُ دِينارٍ قالَ: سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: كانَ رَجُلٌ يُخْدَعُ في البَيْعِ فَقالَ لَهُ النَّبِيُّ ﷺ: «إذَا بايَعْتَ فَقُلْ: لا خِلابَةَ»، فَكانَ يَقُولُهُ. [راجع: ٢١١٧]

Prophet ﷺ said to him, "When you buy something, say (to the seller), 'No cheating'." The man used to say so thenceforward.

٢٤١٥ - حَدَّثَنا عاصِمُ بنُ عَلِيٍّ: حدَّثَنا ابنُ أبي ذِئْبٍ، عَنْ مُحَمَّدِ بنِ المُنْكَدِرِ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ: أنَّ رَجُلاً أعْتَقَ عَبْداً لَهُ لَيْسَ لَهُ مالٌ غَيرُهُ فَرَدَّهُ النَّبِيُّ ﷺ فابْتَاعَهُ مِنْهُ نُعَيمُ بنُ النَّحَّامِ. [راجع: ٢١٤١]

2415. Narrated Jābir رَضِيَ اللهُ عَنْهُ: A man manumitted a slave and he had no other property than that, so the Prophet ﷺ cancelled the manumission (and sold the slave for him). Nu'aim bin An-Naḥḥām bought the slave from him.

(٤) بابٌ كَلامِ الخُصُومِ بَعْضِهِمْ في بَعْضٍ

(4) CHAPTER. The talk of opponents against each other.

٢٤١٦، ٢٤١٧ - حَدَّثَنا مُحَمَّدٌ: أخْبرَنا أبُو مُعاوِيَةَ، عَنِ الأعمَشِ، عَنْ شَقِيقٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ عَلى يَمِينٍ وهُوَ فِيها فاجِرٌ لِيَقْتَطِعَ بِها مالَ امْرِئٍ مُسْلِمٍ لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبانُ». قالَ: فَقالَ الأشْعَثُ: فِيَّ واللهِ كان ذٰلِكَ، كانَ بَيْني وبَينَ رَجُلٍ مِنَ اليَهُودِ أرْضٌ فَجَحَدَني فَقَدَّمْتُهُ إلَى النَّبِيِّ ﷺ فَقالَ لي رَسُولُ اللهِ ﷺ: «ألَكَ بَيِّنةٌ؟» قُلْتُ: لا، قالَ: فَقالَ لليَهُودِيِّ: «احْلِفْ»، قالَ: قُلْتُ: يارَسُولَ اللهِ، إذاً يَحْلِفَ ويَذْهَبَ بِمالي، فَأَنْزَلَ اللهُ

2416, 2417. Narrated 'Abdullah bin Mas'ūd رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever takes a false oath so as to take the property of a Muslim (illegally) will meet Allāh while He will be angry with him."

Al-Ash'ath said: By Allāh, that saying concerned me. I had common land with a Jew, and the Jew later on denied my ownership, so I took him to the Prophet ﷺ who asked me whether I had a proof of my ownership. When I replied in the negative, the Prophet ﷺ asked the Jew to take an oath. I said, "O Allāh's Messenger! He will take an oath and deprive me of my property." So, Allāh تعالى revealed the following Verse:

"Verily: those who purchase a small gain at the cost of Allāh's Covenant and their oaths..." (V.3:77)

تَعالَى: ﴿إِنَّ ٱلَّذِينَ يَشْتَرُونَ بِعَهْدِ ٱللَّهِ وَأَيْمَـٰنِهِمْ ثَمَنًا قَلِيلًا﴾ إلى آخرِ الآيَةِ [آل عمران: ٧٧]. [راجع: ٢٣٥٦، ٢٣٥٧]

2418. Narrated 'Abdullāh bin Ka'b bin Mālik: Ka'b رَضِيَ اللهُ عَنْهُ demanded his debt back from Ibn Abī Ḥadrad in the mosque and their voices grew louder till Allāh's Messenger ﷺ heard them while he was in his house. He came out to them raising the curtain of his room and addressed Ka'b, "O Ka'b!" Ka'b replied, "*Labbaik*, O Allāh's Messenger." (He said to him), "Reduce your debt to half," gesturing with his hand. Ka'b said, "I have done so, O Allāh's Messenger!" On that the Prophet ﷺ said to Ibn Abī Ḥadrad, "Get up and repay the debt to him."

٢٤١٨ - حَدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا عُثمانُ بنُ عُمَرَ: حَدَّثَنا يُونُسُ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللهِ بنِ كَعْبِ بنِ مالكٍ، عَنْ كَعْبٍ رَضِيَ اللهُ عَنْهُ: أَنَّهُ تَقاضَى ابنَ أَبي حَدْرَدٍ دَيْناً كانَ لَهُ عَلَيْهِ في المَسْجِدِ فارْتَفَعَتْ أَصْوَاتُهُما حتَّى سَمِعَها رَسُولُ اللهِ ﷺ وهُوَ في بَيْتِهِ فَخَرَجَ إِلَيهِما حتَّى كَشَفَ سِجْفَ حُجْرَتِهِ فَنادَى: «يا كَعْبُ»، قالَ: لَبَّيْكَ يا رَسُولَ اللهِ، قالَ: «ضَعْ مِنْ دَيْنِكَ هٰذَا»، وَأَوْمَأَ إِلَيْهِ أَيِ الشَّطْرَ، قالَ: لَقَدْ فَعَلْتُ يا رَسُولَ اللهِ، قالَ: «قُمْ فاقْضِهِ». [راجع: ٤٧٥]

2419. Narrated 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُ: I heard Hishām bin Ḥakīm bin Ḥizām reciting *Sūrat Al-Furqān* in a way different to that of mine. Allāh's Messenger ﷺ had taught it to me (in a different way). So, I was about to quarrel with him [during the *Ṣalāt* (prayer)] but I waited till he finished, then I tied his garment round his neck and seized him by it and brought him to Allāh's Messenger ﷺ and said, "I have heard him reciting *Sūrat Al-Furqān* in a way different to the way you taught it to me." The Prophet ﷺ ordered me to release him and asked Hishām to recite it. When he recited it, Allāh's Messenger ﷺ said, "It was revealed in this way." He then asked me to recite it. When I recited it, he said, "It was revealed in this way. The Qur'ān has been

٢٤١٩ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخبرَنا مالكٌ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ عَبْدٍ القارِيِّ أَنَّهُ قالَ: سَمِعْتُ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ يَقُولُ: سَمِعْتُ هِشامَ بنَ حَكِيمِ بنِ حِزَامٍ يَقْرَأُ سُورَةَ الفُرْقانِ عَلى غَيرِ ما أَقْرَؤُها، وكانَ رَسُولُ اللهِ ﷺ أَقْرَأَنِيها وَكِدْتُ أَنْ أَعْجَلَ عَلَيْهِ ثُمَّ أَمْهَلْتُهُ حتَّى انْصَرَفَ ثُمَّ لَبَّبْتُهُ بِرِدَائِهِ فَجِئْتُ بِهِ رَسُولَ اللهِ ﷺ فَقُلْتُ: إِنِّي سَمِعْتُ هٰذَا يَقْرَأُ عَلى غَيرِ ما

أقْرَأْتَنِيها، فَقالَ لِي: «أرْسِلْهُ»، ثُمَّ قالَ لَهُ: «اقْرَأْ» فَقَرَأ، قالَ: «هٰكَذا أُنْزِلَتْ»، ثُمَّ قالَ لِي: «اقْرَأْ»، فَقَرَأْتُ فَقالَ: «هٰكَذا أُنْزِلَتْ»، إنَّ القُرْآنَ أُنْزِلَ عَلى سَبْعَةِ أحْرُفٍ فاقْرَؤُوا مِنْهُ ما تَيَسَّرَ». [انظر: ٤٩٩٢، ٥٠٤١، ٦٩٣٦، ٧٥٥٠]

revealed in seven different ways, so recite it in the way that is easier for you."

(٥) بابُ إخْرَاجِ أهْلِ المَعَاصِي والخُصُومِ مِنَ البُيُوتِ بَعْدَ المَعْرِفَةِ

وقَدْ أخْرَجَ عُمَرُ أُخْتَ أبِي بَكْرٍ حِينَ ناحَتْ.

(5) CHAPTER. Turning out the sinners and the quarrelsome people of the houses after the impropriety of their behaviour gets evident.

'Umar turned Abū Bakr's sister (out of the house) for her wailing (over a dead person).

٢٤٢٠ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا مُحَمَّدُ بنُ أبِي عَدِيٍّ، عَنْ شُعْبَةَ، عَنْ سَعْدِ بنِ إبْرَاهِيمَ عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ أبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قالَ: «لَقَدْ هَمَمْتُ أنْ آمُرَ بالصَّلاةِ فَتُقَامَ، ثُمَّ أُخالِفَ إلى مَنازِلِ قَوْمٍ لا يَشْهَدُونَ الصَّلاةَ فأُحَرِّقَ عَلَيهِمْ». [راجع: ٦٤٤]

2420. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "No doubt, I was about to order somebody to pronounce the *Iqāma* of the (compulsory congregational) *Ṣalāt* (prayer) and then I would go to the houses of those who do not attend the *Ṣalāt* (prayer) (in mosque) and burn their houses over them.[1]" (See H. 644).

(٦) بابُ دَعْوى الوَصِيِّ للمَيِّتِ

(6) CHAPTER. To file a case for fulfilling the will of the deceased.

٢٤٢١ - حَدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا سُفْيانُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أنَّ عَبْدَ بنَ زَمْعَةَ وسَعْدَ بنَ أبِي وَقَّاصٍ اخْتَصَما إلى النَّبِيِّ ﷺ في ابنِ أمَةِ زَمْعَةَ. فَقالَ سَعْدٌ: يا رَسُولَ اللهِ،

2421. Narrated 'Āishah رَضِيَ اللهُ عَنْها: 'Abd bin Zam'a and Sa'd bin Abī Waqqāṣ carried the case of their claim of the (ownership) of the son of a slave-girl of Zam'a before the Prophet ﷺ. Sa'd said, "O Allāh's Messenger! My brother, before his death, told me that when I would return (to Makkah), I should search for the son of the slave-girl of Zam'a and take him into my

(1) (H. 2420) See *Iqāmat-aṣ-Ṣalāt* in glossary.

custody as he was his son." 'Abd bin Zam'a said, "He is my brother and the son of the slave-girl of my father, and was born on my father's bed." The Prophet ﷺ noticed a resemblance between 'Utba and the boy but he said, "O 'Abd bin Zam'a! You will get this boy, as the son goes to the owner of the bed. You, Sauda, screen yourself from the boy."

أَوْصَانِي أَخِي: إِذَا قَدِمْتُ أَنْ أَنْظُرَ ابنَ أَمَةِ زَمْعَةَ فَاقْبِضْهُ فإِنَّهُ ابْنِي. وقالَ عَبْدُ بنُ زَمْعَةَ: أَخِي وابنُ أَمَةِ أَبِي، وُلِدَ عَلى فِرَاشِ أَبِي. فَرَأَى النَّبِيُّ ﷺ شَبَهاً بيِّناً بِعُتْبَةَ، فقالَ: «هُوَ لكَ يا عبدُ ابنَ زمعَةَ، الوَلدُ للفِرَاشِ. واحْتَجِبِي مِنْهُ يا سَوْدَةُ». [راجع: ٢٠٥٣]

(7) CHAPTER. Tying the person who is liable to do mischievous things.

(٧) بابُ التوَثُّقِ مِمَّنْ تُخْشَى مَعَرَّتُهُ

Ibn 'Abbās chained 'Ikrima to teach him the Qur'ān, the Prophet's *Sunna* (legal ways), and the knowledge of *Farā'iḍ* (laws of inheritance).

وقَيَّدَ ابنُ عَبَّاسٍ عِكْرِمَةَ عَلى تَعَلُّمِ القُرْآنِ والسُّنَنِ والفَرَائِضِ.

2422. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ sent horsemen to Najd and they arrested and brought a man called Thumāma bin Uthāl, the chief of Yamāma, and they fastened him to one of the pillars of the mosque. When Allāh's Messenger ﷺ came up to him; he asked, "What have you to say, O Thumāma?" He replied "I have good news, O Muḥammad!" Abū Hurairah narrated the whole narration which ended with the order of the Prophet ﷺ, "Release him!" (See H. 4372)

٢٤٢٢ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا اللَّيْثُ، عَنْ سَعِيدِ بنِ أَبي سَعِيدٍ: أَنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: بَعَثَ رَسُولُ اللهِ ﷺ خَيْلاً قِبَلَ نَجْدٍ فَجَاءَتْ بِرَجُلٍ مِنْ بَنِي حَنِيفَةَ يُقالُ لَهُ: ثُمامَةُ بنُ أُثالٍ، سَيِّدُ أَهْلِ اليَمامَةِ فَرَبَطُوهُ بِسارِيَةٍ مِنْ سَوَارِي المَسْجِدِ فَخَرَجَ إِلَيْهِ رَسُولُ اللهِ ﷺ فَقالَ: «مَا عِنْدَكَ يا ثُمَامَةُ؟» قالَ: عِنْدِي يا مُحَمَّدُ خَيرٌ، فَذَكَرَ الحَدِيثَ فَقالَ: «أَطْلِقُوا ثُمامَةَ». [راجع: ٤٦٢]

(8) CHAPTER. Fastening and imprisoning in the *Ḥaram*.

(٨) بابُ الرَّبْطِ والحَبْسِ في الحَرَمِ

Nāfi' bin Al-Ḥārith bought a house from Ṣafwān bin Umaiyya for using it as a prison on the condition that the deal would be

واشْتَرَى نافِعُ بنُ عَبْدِ الحَارِثِ دَاراً للسِّجْنِ بِمَكَّةَ مِنْ صَفْوَانَ بنِ أُمَيَّةَ

confirmed if 'Umar agreed to it, and if 'Umar did not agree to it, Ṣafwān would take four hundred (Dīnār). Ibn Az-Zubair imprisoned (the culprits) in Makkah."

عَلى إنْ عُمَرُ رَضِيَ فالبَيْعُ بَيْعُهُ، وإنْ لم يَرْضَ عُمَرُ فَلِصَفْوَانَ أرْبَعُمِائَةِ دِينَارٍ. وسَجَنَ ابنُ الزُّبَيرِ بِمَكَّةَ.

2423. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ sent some horsemen to Najd and they arrested and brought a man called Thumāma bin Uthāl from the tribe of Banī Ḥanīfa, and they fastened him to one of the pillars of the mosque.

٢٤٢٣ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثنا اللَّيْثُ قالَ: حدَّثني سَعِيدُ بنُ أبي سَعِيْدٍ: سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: بَعَثَ النَّبِيُّ ﷺ خَيْلاً قِبَلَ نَجْدٍ فَجاءَتْ بِرَجُلٍ مِنْ بَني حَنِيفَةَ يُقالُ لَهُ: ثُمَامَةُ بنُ أُثَالٍ، فَرَبَطُوهُ بِسارِيَةٍ مِنْ سَوَارِي المَسْجِدِ.

[راجع: ٤٦٢]

(9) CHAPTER. (The creditor's) pursuit (after his debtors).

(٩) بابٌ في المُلازَمَةِ

2424. Narrated 'Abdullāh bin Ka'b bin Mālik Al-Anṣārī on the authority of Ka'b bin Mālik رَضِيَ الله عَنْهُ that 'Abdullāh bin Abī Ḥadrad Al-Aslamī owed him some debt. Ka'b met him and caught hold of him and they started talking and their voices grew louder. The Prophet ﷺ passed by them and addressed Ka'b, pointing out to him to reduce the debt to half. So, Ka'b got half of the debt and exempted the debtor from the other half.

٢٤٢٤ - حَدَّثَنَا يَحْيى بنُ بُكَيرٍ: حدَّثنا اللَّيْثُ، عَنْ جَعْفَرِ بنِ رَبِيعَةَ، وقالَ غَيرُهُ: حدَّثَنِي اللَّيْثُ قالَ: حدَّثني جَعْفَرُ ابنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ هُرْمُزَ، عَنْ عَبْدِ اللهِ بنِ كَعْبِ بنِ مالكٍ الأنْصَارِيِّ، عَنْ كَعْبِ بْنِ مالكٍ رَضِيَ اللهُ عَنْهُ: أنَّهُ كانَ لَهُ عَلىٰ عَبْدِ اللهِ ٱبنِ أبي حَدرَدٍ الأسْلَمِيِّ دَيْنٌ، فَلَقِيَهُ فَلَزِمَهُ، فَتَكَلَّما حتَّى ارْتَفَعَتْ أصواتُهُما فمَرَّ بِهِمَا النَّبِيُّ ﷺ فَقالَ: «يا كَعْبُ»، وأشارَ بِيَدِهِ كَأَنَّهُ يَقُولُ: النِّصْفَ، فأخَذَ نِصْفَ ما عَلَيْهِ وتَرَكَ نِصْفاً. [راجع: ٤٥٧]

(10) CHAPTER. Demanding one's debts.

(١٠) بابُ التَّقاضِي

2425. Narrated Khabbāb رَضِيَ الله عَنْهُ: I was a blacksmith in the Pre-Islāmic Period of

٢٤٢٥ - حَدَّثَنَا إسحَاقُ: حدَّثنا

وَهْبُ بنُ جَرِيرِ بنِ حَازِمٍ: أَخْبَرَنَا شُعْبَةُ، عَنِ الأَعْمَشِ، عَنْ أَبِي الضُّحَى، عَنْ مَسْرُوقٍ، عَنْ خَبَّابٍ، قالَ: «كُنْتُ قَيْناً فِي الْجَاهِلِيَّةِ وكانَ لي عَلى الْعاصِ بنِ وَائِلٍ دَرَاهِمُ فأَتَيْتُهُ أَتَقَاضَاهُ فَقالَ: لَا أَقْضِيكَ حتَّى تَكْفُرَ بِمُحَمَّدٍ، فَقُلْتُ: لا وَاللهِ، لا أَكْفُرُ بِمُحَمَّدٍ ﷺ حتَّى يُمِيتَكَ اللهُ ثُمَّ يَبْعَثَكَ. قَالَ: فَدَعْني حتَّى أَمُوتَ، ثُمَّ أُبْعَثَ فَأُوتَى مَالاً ووَلَداً ثُمَّ أَقْضِيكَ. فَنزَلَتْ: ﴿أَفَرَءَيْتَ ٱلَّذِى كَفَرَ بِـَٔايَٰتِنَا وَقَالَ لَأُوتَيَنَّ مَالًا وَوَلَدًا ۝٧٧﴾» الآية [مريم: ٧٧]. [راجع: ٢٠٩١]

Ignorance, and 'Āṣ bin Wā'il owed me some money. I went to him to demand it, but he said to me, "I will not pay you unless you reject faith in Muḥammad." I replied, "By Allāh, I will never disbelieve Muḥammad ﷺ till Allāh let you die and then resurrect you." He said, "Then wait till I die and come to life again, for then I will be given property and offspring and will pay your right." So, this revelation came:

"Have you seen him who disbelieved in Our *Ayāt* (this Qur'ān and Muḥammad ﷺ) and said, 'I shall certainly be given wealth and children [if I will be alive (again)].'" (V.19:77)

45 - THE BOOK OF *AL-LUQAṬA*

٤٥ - كتاب في اللقطة

(A well-tied pouch or purse or lost things picked up by somebody).

(1) CHAPTER. When the owner of the *Luqaṭa* informs its description exactly (proves that it belongs to him) it should be returned to him.

(١) بَابٌ إِذَا أَخْبَرَهُ رَبُّ اللُّقَطَةِ بِالعَلَامَةِ دَفَعَ إِلَيْهِ

2426. Narrated Ubaī bin Ka'b رَضِيَ اللهُ عَنْهُ : I found a purse containing one hundred Dīnār. So I went to the Prophet ﷺ (and informed him about it), he said, "Make public announcement about it for one year." I did so, but nobody turned up to claim it, so I again went to the Prophet ﷺ who said, "Make public announcement for another year." I did, but none turned up to claim it. I went to him for the third time and he said, "Keep the container and the string which is used for its tying and count the money it contains, and if its owner comes, give it to him; otherwise, utilize it."

The subnarrator Salama said, "I met him (Suwaid, another subnarrator) in Makkah and he said, 'I don't know whether Ubaī made the announcement for three years or just one year.'"

٢٤٢٦ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ. وحَدَّثَنِي مُحَمَّدُ بنُ بَشَّارٍ: حَدَّثَنَا غُنْدَرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ سَلَمَةَ: سَمِعْتُ سُوَيْدَ ابنَ غَفَلَةَ قالَ: لَقِيتُ أُبَيَّ بنَ كَعْبٍ رَضِيَ اللهُ عَنْهُ فَقالَ: أَصَبْتُ صُرَّةً فِيهَا مائَةُ دِينَارٍ فأَتَيْتُ النَّبِيَّ ﷺ فَقالَ: «عَرِّفْها حَوْلاً». فَعَرَّفْتُهَا، فَلَمْ أَجِدْ مَنْ يَعْرِفُها، ثُمَّ أَتَيْتُهُ فَقالَ: «عَرِّفْهَا حَوْلاً»، فعَرَّفْتُها فَلَمْ أَجِدْ، ثُمَّ أَتَيْتُهُ ثَلاثاً، فَقالَ: «احْفَظْ وِعاءَها وعَدَدَهَا وَوِكاءَها: فإنْ جاءَ صَاحِبُها وإلَّا فاسْتَمتِعْ بِها»، فاسْتَمْتَعْتُ فَلَقِيتُهُ بَعْدُ بِمَكَّةَ فَقالَ: لا أَدْرِي ثَلاثَةَ أَحْوالٍ أَوْ حَوْلاً واحداً. [انظر: ٢٤٣٧]

(2) CHAPTER. Lost camels.

(٢) بَابُ ضَالَّةِ الإِبِلِ

2427. Narrated Zaid bin Khālid Al-Juhanī رَضِيَ اللهُ عَنْهُ : A bedouin went to the Prophet ﷺ and asked him about picking up a lost thing. The Prophet ﷺ said, "Make public announcement about it for one year. Remember the description of its container and the string with which it is tied; and if somebody comes and claims it and describes it correctly (give it to him); otherwise, utilize

٢٤٢٧ - حَدَّثَنِي عَمْرُو بنُ عَبَّاسٍ: حَدَّثَنا عَبْدُ الرَّحْمٰنِ: حَدَّثَنا سُفْيَانُ: عَنْ رَبِيعَةَ: حَدَّثَنِي يَزِيدُ مَوْلَى المُنْبَعِثِ، عَنْ زَيْدِ بنِ خالِدٍ الجُهَنِيِّ رَضِيَ اللهُ عَنْهُ قالَ: جاءَ أَعْرَابِيٌّ إلَى النَّبِيِّ ﷺ فَسَأَلَهُ عَمَّا يَلتَقِطُهُ فَقالَ:

it." He said, "O Allāh's Messenger! What about a lost sheep?" The Prophet ﷺ said, "It is for you, for your brother (i.e., its owner), or for the wolf." He further asked, "What about a lost camel?" On that the face of the Prophet ﷺ became red (with anger) and said, "You have nothing to do with it, as it has its feet, its water reserve and can reach places of water and drink, and eat trees."

«عَرِّفْها سَنَةً ثُمَّ اعْرِفْ عِفاصَها ووِكَاءَها، فإنْ جاءَ أَحَدٌ يُخْبِرُكَ بِهَا وإلَّا فاسْتَنْفِقْهَا». قالَ: يا رَسُولَ اللهِ، فَضالَّةُ الغَنَمِ؟ قالَ: «لكَ أوْ لِأَخِيكَ أوْ للذِّئْبِ»، قالَ: ضَالَّةُ الإبِلِ؟ فَتَمَعَّرَ وَجْهُ النَّبِيِّ ﷺ فَقالَ: «ما لَكَ ولَها؟ مَعَها حِذاؤُها وسِقَاؤُها، تَرِدُ الماءَ وتأكُلُ الشَّجَرَ». [راجع: ٩١]

(3) CHAPTER. Lost sheep.

(٣) بابُ ضَالَّةِ الغَنَمِ

2428. Narrated Yaḥyā: Yazīd Maulā Al-Munba'ith heard Zaid bin Khālid al-Juhanī رَضِيَ اللهُ عَنْهُ saying, "The Prophet ﷺ was asked about *Luqaṭa.* He said, 'Remember the description of its container and the string it is tied with, and announce it publicly for one year.'" Yazīd added, "If nobody claims then the person who has found it can spend it, and it is regarded as a trust entrusted to him." Yaḥyā said, "I do not know whether the last sentence were said by the Prophet ﷺ or by Yazīd." Zaid further said, "The Prophet ﷺ was asked, 'What about a lost sheep?' The Prophet ﷺ said, 'Take it, for it is for you or for your brother (i.e., its owner) or for the wolf.'" Yazīd added that it should also be announced publicly. The man then asked the Prophet ﷺ about a lost camel. The Prophet ﷺ said, "Leave it, as it has its feet, water-container (reservoir), and it will reach a place of water and eat trees till its owner finds it."

٢٤٢٨ - حَدَّثَنا إسمَاعِيلُ بنُ عَبْدِ اللهِ قالَ: حدَّثَني سُلَيمانُ بنُ بِلَالٍ، عَنْ يَحْيى، عَنْ يَزِيدَ مَوْلى المُنْبَعِثِ: أَنَّهُ سَمعَ زَيْدَ بنَ خالِدٍ رَضِيَ اللهُ عَنْهُ يَقُولُ: سُئِلَ النَّبِيُّ ﷺ عَنِ اللُّقَطَةِ فَزَعَمَ أَنَّهُ قالَ: «اعْرِفْ عِفاصَها ووِكاءَها، ثُمَّ عَرِّفها سَنَةً»، (يَقُولُ يَزِيدُ: إنْ لَمْ تُعْرَف اسْتَنْفَقَ بها صَاحِبُها وكانَتْ وَدِيعَةً عِنْدَهُ. قالَ يَحْيى: هٰذَا الَّذِي لا أدري أَهُوَ فِي الحَدِيْثِ أَمْ شَيْءٌ من عِنْدِهِ؟) ثُمَّ قالَ: كَيْفَ تَرَى في ضَالَّةِ الغَنَمِ؟ قالَ النَّبِيُّ ﷺ: «خُذْها فإنَّما هيَ لَكَ أوْ لِأَخِيكَ أوْ للذِّئْبِ». (قالَ يَزِيدُ: وَهِيَ تُعَرَّفُ أيضاً) ثُمَّ قالَ: كَيْفَ تَرَى في ضَالَّةِ الإبِلِ؟ قالَ: فَقالَ: «دَعْهَا فإنَّ مَعها حِذَاءَهَا وسِقاءَها تَرِدُ المَاءَ وتَأكُلُ الشَّجَرَ حتَّى يَجِدَها رَبُّها». [راجع: ٩١]

(4) CHAPTER. If the owner of a lost thing is not found for one year, then the thing is for the one who has found it.

(٤) **بابٌ** إِذَا لَمْ يُوجَدْ صَاحِبُ اللُّقَطَةِ بَعْدَ سَنَةٍ فَهِيَ لِمَنْ وجدَها

2429. Narrated Zaid bin Khālid رَضِيَ اللهُ عَنْهُ: A man came and asked Allāh's Messenger ﷺ about picking a lost thing. The Prophet ﷺ said, "Remember the description of its container and the string it is tied with, and make public announcement about it for one year. If the owner shows up, give it to him; otherwise, do whatever you like with it." He then asked, "What about a lost sheep?" The Prophet ﷺ said, "It is for you, for your brother (i.e., its owner), or for the wolf." He further asked, "What about a lost camel?" The Prophet ﷺ said, "It is none of your concern. It has its water-container (reservoir) and its feet, and it will reach water and drink it and eat the trees till its owner finds it."

٢٤٢٩ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أخبَرَنا مالكٌ عَنْ رَبِيعَةَ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ يَزِيدَ مَوْلَى المُنْبَعِثِ، عَنْ زَيْدِ بنِ خالِدٍ رَضِيَ اللهُ عَنْهُ قالَ: جاءَ رَجُلٌ إلى رَسُولِ اللهِ ﷺ فَسَأَلَهُ عَنِ اللُّقَطَةِ، فَقالَ: «اعْرِفْ عِفاصَها وَوِكاءَها، ثُمَّ عَرِّفْها سَنَةً فإنْ جاءَ صاحِبُها وإلَّا شَأنَكَ بِهَا». قالَ: فَضالَّةُ الغَنَمِ؟ قالَ: «هِيَ لكَ أوْ لِأَخِيكَ أوْ للذِّئْبِ». قالَ: فَضالَّةُ الإبِلِ؟ قالَ: «مَا لَكَ ولَها؟ مَعَها سِقاؤُها وحِذاؤُها، تَرِدُ المَاءَ وتَأْكُلُ الشَّجَرَ حتَّى يَلْقاها رَبُّها». [راجع: ٩١]

(5) CHAPTER. If someone finds a piece of wood or a lash or similar things in the sea.

(٥) **بابٌ** إذَا وَجَدَ خَشَبَةً في البَحْرِ أوْ سَوْطاً أوْ نَحْوَهُ

2430. Narrated 'Abdur-Raḥmān bin Hurmuz: Abū Hurairah رَضِيَ اللهُ عَنْهُ said, "Allāh's Messenger ﷺ mentioned an Israeli man." Abū Hurairah then told the whole narration. (At the end of the narration it was mentioned that the creditor) went out to the sea, hoping that a boat might have brought his money. Suddenly he saw a piece of wood and he took it to his house to use as firewood. When he sawed it, he found his money and a letter in it.

[See *Ḥadīth* No. 2291 for details].

٢٤٣٠ - وقالَ اللَّيْثُ: حدَّثَني جَعْفَرُ ابنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ هُرْمُزَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ: أنَّهُ ذَكَرَ رَجُلاً مِنْ بَنِي إسْرَائِيلَ. وساقَ الحَدِيثَ: «فَخَرَجَ يَنْظُرُ لَعَلَّ مَرْكَباً قَدْ جاءَ بِمَالِهِ فإذَا هُوَ بالخَشَبَةِ فأخَذَها لِأَهْلِهِ حَطَباً فَلَمَّا نَشَرَها وَجَدَ المَالَ والصَّحِيفَةَ». [راجع: ١٤٩٨]

(6) CHAPTER. If somebody finds a date on the way.

(٦) **بابٌ** إذا وَجَدَ تَمْرَةً في الطَّرِيقِ

2431. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ passed by a date fallen on the way and said, "Were I not afraid that it may be from a *Ṣadaqa* (charity), I would have eaten it."

٢٤٣١ - حَدَّثَنَا مُحَمَّدُ بنُ يُوسُفَ: حدَّثنا سُفيانُ، عَنْ مَنْصُورٍ، عَنْ طَلْحَةَ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: مَرَّ النَّبيُّ ﷺ بِتَمْرَةٍ في الطَّرِيقِ قالَ: «لَولَا أَنِّي أَخافُ أَنْ تَكُونَ مِنَ الصَّدَقَةِ لأَكَلْتُها». [راجع: ٢٠٥٥]

2432. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Sometimes when I return home and find a date fallen on my bed, I pick it up in order to eat it, but I fear that it might be from a *Ṣadaqa* (charity), so I throw it."

٢٤٣٢ - وقالَ يَحْيى: حدَّثنا سُفْيانُ: حدَّثني مَنْصُورٌ، وقالَ زائِدَةُ، عَنْ مَنْصُورٍ، عَنْ طَلْحَةَ: حدَّثنا أَنَسٌ.

وحدَّثنا مُحَمَّدُ بنُ مُقاتِلٍ: أَخْبرَنا عَبْدُ اللهِ، أَخْبرَنا مَعْمَرٌ، عَنْ هَمَّامِ بنِ مُنَبِّهٍ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «إنِّي لأَنْقَلِبُ إلى أَهْلِي فأَجِدُ التَّمْرَةَ ساقِطَةً عَلىٰ فِراشِي فأَرْفَعُها لآكُلَها ثُمَّ أَخْشَى أَنْ تَكُونَ صَدَقَةً فأُلْقِيْها».

(7) CHAPTER. How the *Luqaṭa* at Makkah is to be announced.

(٧) بابٌ كَيْفَ تُعَرَّفُ لُقَطَةُ أَهْلِ مَكَّةَ؟

Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "Nobody should pick up the *Luqaṭa* (lost things) (of Makkah) except the one who makes public announcement for it." Ibn 'Abbās said (in another narration): The Prophet ﷺ said, "None should pick up the fallen things of Makkah except that who announces it publicly."

وقالَ طاوُسٌ: عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبيِّ ﷺ قالَ: «لا يَلْتَقِطُ لُقَطَتَها إلَّا مَنْ عَرَّفَها». وقالَ خالِدٌ، عَنْ عِكْرِمَةَ عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما عَنِ النَّبيِّ ﷺ قالَ: «لا يَلْتَقِطُ لُقَطَتَها إلَّا مُعَرِّفٌ».

2433. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ also said, "It (i.e., Makkah's) thorny bushes should not be uprooted and its game should not be chased, and picking up its fallen things is

٢٤٣٣ - وقالَ أَحْمَدُ بنُ سَعِيْدٍ: حدَّثنا رَوْحٌ: حدَّثنا زَكَرِيَّا: حدَّثنا عَمْرُو ابنُ دِينارٍ، عَنْ عِكْرِمَةَ، عَنِ

ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ قالَ: «لا يُعْضَدُ عِضاهُها، ولا يُنَفَّرُ صَيْدُها، وَلَا تَحِلُّ لُقَطَتُهَا إلَّا لِمُنْشِدٍ، ولا يُخْتَلى خَلاها». فَقالَ عَبَّاسٌ: يا رَسُولَ اللهِ إلَّا الإِذْخِرَ، فَقالَ: «إلَّا الإِذْخِرَ».

[راجع: ١٣٤٩]

illegal except by him who makes public announcement about it, and its grass should not be cut." 'Abbās said, "O Allāh's Messenger! Except *Idhkhir* (a kind of grass)." The Prophet ﷺ said, "Except *Idhkhir*."

٢٤٣٤ - حَدَّثَنا يَحْيى بنُ مُوسَى قالَ: حدَّثَنا الوَلِيدُ بنُ مُسْلِمٍ: حدَّثنا الأَوْزَاعِيُّ: حدَّثني يَحْيى بنُ أبي كَثِيرٍ قالَ: حدَّثني أبو سَلَمَةَ بنُ عَبْدِ الرَّحْمٰنِ قالَ: حدَّثني أبو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: لَمَّا فَتَحَ اللهُ عَلىٰ رَسُولِهِ ﷺ مَكَّةَ قامَ في النَّاسِ فَحَمِدَ اللهَ وأثنى عَلَيْهِ ثُمَّ قالَ: «إنَّ اللهَ حَبَسَ عَنْ مَكَّةَ الفِيلَ وسَلَّطَ عَلَيها رَسُولَهُ والمُؤْمِنِينَ فَإِنَّها لا تَحِلُّ لِأَحَدٍ كانَ قَبْلي، وإنَّها أُحِلَّتْ لِي ساعَةً مِنْ نَهارٍ، وإنَّها لَنْ تَحِلَّ لأَحَدٍ مِنْ بَعْدِي فَلا يُنَفَّرُ صَيْدُها ولا يُخْتَلىٰ شَوْكُهَا ولا تَحِلُّ ساقِطَتُهَا إلَّا لِمُنْشِدٍ. ومَنْ قُتِلَ لَهُ قَتِيلٌ فَهُوَ بِخَيرِ النَّظَرَيْنِ: إمَّا أنْ يُفْدَى وإمَّا أنْ يُقِيدَ». فَقالَ العَبَّاسُ: إلَّا الإِذْخِرَ فإنَّا نَجْعَلُهُ لِقُبُورِنا وبُيُوتِنا، فَقالَ رَسُولُ اللهِ ﷺ: «إلاَّ الإِذْخِرَ». فَقامَ أبُو شاهٍ - رَجُلٌ مِنْ أَهْلِ الْيَمَنِ - فَقالَ: اكْتُبُوا لي يا رَسُولَ اللهِ، فَقالَ رَسُولُ اللهِ ﷺ:

2434. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: When Allāh gave victory to His Messenger ﷺ over the people of Makkah, Allāh's Messenger ﷺ stood up among the people and after glorifying Allāh, said, "Allāh has prohibited fighting in Makkah and has given authority to His Messenger and the believers over it, so fighting was illegal for anyone before me, and was made legal for me for a part of a day, and it will not be legal for anyone after me. Its game should not be chased, its thorny bushes should not be uprooted, and picking up its fallen things is not allowed except for one who makes public announcement for it, and he whose relative is murdered has the option either to accept a compensation for it or to retaliate." Al-'Abbās said, "Except *Al-Idhkhir*, for we use it in our graves and houses." Allāh's Messenger ﷺ said, "Except *Al-Idhkhir*." Abū Shāh, a Yemenite, stood up and said, "O Allāh's Messenger! Get it written for me." Allāh's Messenger ﷺ said, "Write it for Abū Shāh." (The sub-narrator asked Al-Auzā'ī): What did he mean by saying, "Get it written, O Allāh's Messenger?" He replied, "The speech which he had heard from Allāh's Messenger ﷺ."

«اكْتُبُوا لأَبِي شاهٍ». قُلْتُ لِلأَوْزَاعِيِّ: مَا قَوْلُهُ: اكْتُبُوا لِي يا رَسُولَ اللهِ؟ قالَ: هٰذِهِ الخُطْبَةَ الَّتِي سَمِعَها مِنْ رَسُولِ اللهِ ﷺ. [راجع: ١١٢]

(8) CHAPTER. No animal may be milked without the permission of its owner.

(٨) بابٌ لا تُحْتَلَبُ ماشِيَةُ أَحَدٍ بِغَيرِ إِذْنِه

2435. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "An animal should not be milked without the permission of its owner. Does any of you like that somebody comes to his store and breaks his container and takes away his food? The udders of the animals are the stores of their owners where their provision is kept, so nobody should milk the animals of somebody else, without the permission of its owner."

٢٤٣٥ - **حَدَّثَنا** عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبرَنا مالكٌ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ قالَ: «لا يَحْلُبَنَّ أَحَدٌ ماشِيَةَ امْرِئٍ بِغَيرِ إِذْنِهِ، أَيُحِبُّ أَحَدُكُمْ أَنْ تُؤْتىٰ مَشْرُبَتُهُ فَتُكْسَرَ خِزَانَتُهُ فَيُنْتَقَلَ طَعَامُهُ؟ فَإِنَّما تَخْزُنُ لَهُمْ ضُرُوعُ مَوَاشِيهِمْ أَطْعِماتِهِمْ، فَلا يَحْلُبَنَّ أَحَدٌ ماشِيَةَ أَحَدٍ إلَّا بإِذْنِهِ»

(9) CHAPTER. If the owner of lost property comes back after a year, it should be returned to him as it is a trust with the one who has found it.

(٩) بابٌ إِذَا جاءَ صَاحِبُ اللُّقَطَةِ بَعْدَ سَنَةٍ رَدَّهَا عَلَيْهِ لِأَنَّها وَدِيعَةٌ عِنْدَهُ

2436. Narrated Zaid bin Khālid Al-Juhanī رَضِيَ اللهُ عَنْهُ: A man asked Allāh's Messenger ﷺ about the *Luqaṭa*. He said, "Make public announcement of it for one year, then remember the description of its container and the string it is tied with; utilize the money, and if its owner comes back after that, give it to him." The people asked, "O Allāh's Messenger! What about a lost sheep?" Allāh's Messenger ﷺ said, "Take it, for it is for you, for your brother, or for the wolf." The man asked, "O Allāh's Messenger! What about a lost camel?" Allāh's Messenger ﷺ got angry and his cheeks or face became red, and said, "You

٢٤٣٦ - **حَدَّثَنا** قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا إسمَاعِيلُ بنُ جَعْفَرٍ، عَنْ رَبِيعَةَ بنِ عَبْدِ الرَّحْمٰنِ عَنْ يَزِيدَ مَوْلَى المُنْبَعِثِ، عَنْ زَيْدِ بنِ خالِدٍ الجُهَنِيِّ رَضِيَ اللهُ عَنْهُ: أنَّ رَجُلاً سأَلَ رَسُولَ اللهِ ﷺ عَنِ اللُّقَطَةِ، قالَ: «عَرِّفْها سَنَةً ثُمَّ اعْرِفْ وِكاءَها وعِفاصَها، ثُمَّ اسْتَنْفِقْ بِهَا فإنْ جاءَ رَبُّها فأَدِّها إلَيْهِ». فَقَالَ: يا رَسُولَ اللهِ، فَضالَّةُ الغَنَمِ؟ قالَ: «خُذْها فَإِنَّما هِيَ لكَ أَوْ

have no concern with it as it has its feet, and its water-container, till its owner finds it."

(10) CHAPTER. Should one pick up a fallen thing, lest it should be spoilt or taken by somebody who does not deserve it?

2437. Narrated Suwaid bin Ghafala: While I was in the company of Salmān bin Rabī'a and Zaid bin Sūḥān, in one of the holy battles, I found a whip. One of them told me to drop it, but I refused to do so and said that I would give it to its owner if I found him, otherwise I would utilize it. On our return we performed *Ḥajj* and on passing by Al-Madīna, I asked Ubaī bin Ka'b رَضِيَ اللهُ عَنْهُ about it. He said, "I found a bag containing a hundred Dīnār in the lifetime of the Prophet ﷺ and took it to the Prophet ﷺ who said to me, 'Make public announcement about it for one year.' So, I announced it for one year and went to the Prophet ﷺ who said, 'Announce it publicly for another year.' So, I announced it for another year. I went to him again and he said, "Announce for another year." So I announced for still another year. I went to the Prophet ﷺ for the fourth time, and he said, 'Remember the amount of money, the description of its container and the string it is tied with, and if its owner comes, give it to him; otherwise, utilize it.'"

Salama narrated the above narration from Ubaī bin Ka'b, adding, "I met the subnarrator at Makkah later on, but he did not remember whether Ka'b had announced

لأَخِيكَ أَوْ للذِّئْبِ». قالَ: يا رَسُولَ اللهِ، فَضالَّةُ الإِبِلِ؟ قالَ: فَغَضِبَ رَسُولُ اللهِ ﷺ حتَّى احْمَرَّتْ وَجْنَتَاهُ - أوِ احْمَرَّ وَجْهُهُ - ثُمَّ قالَ: «مَا لَكَ ولَها؟ مَعَها حِذاؤُها وسِقاؤُها حتَّى يَلْقَاها رَبُّها». [راجع: ٩١]

(١٠) بابٌ هَلْ يَأخُذُ اللُّقَطَةَ ولا يَدَعُها تَضِيعُ حتَّى لا يَأخُذَها مَنْ لا يَسْتَحِقُّ؟

٢٤٣٧ - حَدَّثَنا سُلَيمانُ بنُ حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ سَلَمَةَ بنِ كُهَيْلٍ قالَ: سَمِعْتُ سُوَيْدَ بنَ غَفَلَةَ قالَ: كُنْتُ مَعَ سَلْمانَ بنِ رَبِيعَةَ وزَيْدِ بنِ صُوحانَ في غَزَاةٍ، فَوَجَدْتُ سَوْطاً فَقَالَا لي: أَلْقِهِ، قُلْتُ: لا، ولٰكِنْ إنْ وجَدْتُ صاحِبَهُ وإلَّا اسْتَمْتَعْتُ بِهِ. فَلَمَّا رَجَعْنا حَجَجْنا فمَرَرْتُ بالْمَدِينَةِ فَسَأَلْتُ أُبَيَّ بنَ كَعْبٍ رَضِيَ اللهُ عَنْهُ فَقالَ: وجَدْتُ صُرَّةً عَلى عَهْدِ النَّبِيِّ ﷺ فِيها مِائَةُ دِينارٍ فَأَتَيْتُ بِها النَّبِيَّ ﷺ فَقالَ: «عَرِّفْها حَوْلاً، فَعَرَّفْتُها حَوْلاً». ثُمَّ أتَيْتُ فَقالَ: «عَرِّفْها حَوْلاً»، فَعَرَّفْتُها حَوْلاً ثُمَّ أَتَيْتُهُ فَقالَ: «عَرِّفْها حَوْلاً»، فَعَرَّفْتُها حَوْلاً، ثُمَّ أَتَيْتُهُ الرَّابِعَةَ فَقالَ: «اعْرِفْ عِدَّتَها ووِكَاءَها ووِعَاءَهَا، فإنْ جاءَ صاحِبُها وإلَّا اسْتَمتِعْ بِها». [راجع: ٢٤٢٦]

حَدَّثَنا عَبْدَانُ قالَ: أَخْبَرَني أبي

what he had found for one year or three years."

عَنْ شُعْبَةَ، عَنْ سَلَمَةَ بِهٰذَا قالَ: فَلَقِيتُهُ بَعْدُ بِمَكَّةَ، فَقالَ: لَا أَدْرِي أَثَلاثَةَ أَحْوَالٍ أَوْ حَوْلاً واحِداً.

(11) CHAPTER. Whoever announced the *Luqaṭa* in public and did not hand it over to the ruler.

(١١) بابٌ مَنْ عَرَّفَ اللُّقَطَةَ ولَمْ يَدْفَعْهَا إِلى السُّلْطانِ

2438. Narrated Zaid bin Khālid رَضِيَ اللهُ عَنْهُ: A bedouin asked the Prophet ﷺ about the *Luqaṭa*. The Prophet ﷺ said, "Make public announcement about it for one year and if then somebody comes and describes the container of the *Luqaṭa* and the string it was tied with, (give it to him); otherwise, spend it." He then asked the Prophet ﷺ about a lost camel. The face of the Prophet ﷺ become red and he said, "You have no concern with it as it has its water reservoir and feet and it will reach water and drink and eat trees. Leave it till its owner finds it." He then asked the Prophet ﷺ about a lost sheep. The Prophet ﷺ said, "It is for you, for your brother, or for the wolf."

٢٤٣٨ - حَدَّثَنا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا سُفيانُ، عَنْ رَبيعَةَ، عَنْ يَزيدَ مَوْلى المُنْبَعِثِ، عَنْ زَيْدِ بنِ خالِدٍ رَضِيَ اللهُ عَنْهُ: أَنَّ أَعْرَابِيّاً سَأَلَ النَّبِيَّ ﷺ عَنِ اللُّقَطَةِ قالَ: «عَرِّفْها سَنَةً فَإِنْ جاءَ أَحَدٌ يُخْبِرُكَ بِعِفَاصِها ووِكائِها وإِلَّا فاسْتَنْفِقْ بِهَا». وسَأَلَهُ عَنْ ضَالَّةِ الإِبِلِ فَتَمَعَّرَ وَجْهُهُ وقالَ: «مَا لَكَ ولَها؟ مَعَها سِقاؤُها وحِذاؤُها، تَرِدُ المَاءَ وتأْكُلُ الشَّجَرَ، دَعْهَا حَتَّى يَجِدَها رَبُّها». وسَأَلَهُ عَنْ ضَالَّةِ الغَنَمِ فَقالَ: «هِيَ لَكَ أو لِأَخِيكَ أو لِلذِّئْبِ». [راجع: ٩١]

(12) CHAPTER:

(١٢) بابٌ:

2439. Narrated Abū Bakr رَضِيَ اللهُ عَنْهُ: While I was on my way, all of a sudden I saw a shepherd driving his sheep, I asked him whose servant he was. He replied that he was the servant of a man from Quraish, and then he mentioned his name and I recognized him. I asked, "Do your sheep have some milk?" He replied in the affirmative. I said, "Are you going to milk for me?" He replied in the affirmative. I ordered him and he tied the legs of one of the sheep. Then I told him to clean the udder (teats) of dust and to remove dust off his hands. He removed the dust off his hands by clapping his hands. He

٢٤٣٩ - حَدَّثَني إِسحَاقُ بنُ إِبْرَاهِيمَ: أَخْبرَنا النَّضْرُ: أَخْبرَنا إِسْرَائِيلُ، عَنْ أَبي إِسحَاقَ قالَ: أَخْبرَني البرَاءُ، عَنْ أَبي بَكْرٍ رَضِيَ اللهُ عَنْهُما، ح. حدَّثَنا عَبْدُ اللهِ بنُ رَجاءٍ: حدَّثَنا إِسْرَائِيلُ، عَنْ أَبي إِسحَاقَ عَنِ الْبَرَاءِ، عَنْ أَبي بَكْرٍ رَضِيَ اللهُ عنهما قالَ: «انْطَلَقْتُ فإِذَا أَنا بِرَاعِي غَنَمٍ يَسُوقُ غَنَمَهُ فَقُلْتُ:

مِمَّنْ أَنْتَ؟ قالَ: لِرَجُلٍ مِنْ قُرَيْشٍ، فَسَمَّاهُ فَعَرَفْتُهُ، فَقُلْتُ: هَلْ في غَنَمِكَ مِنْ لَبَنٍ؟ فَقالَ: نَعَمْ، فَقُلْتُ: هَلْ أَنْتَ حالِبٌ لِيْ؟ قالَ: نَعَمْ، فأَمَرْتُهُ فَاعْتَقَلَ شاةً مِنْ غَنَمِهِ ثُمَّ أَمَرْتُهُ أَنْ يَنْفُضَ ضَرْعَها مِنَ الغُبَارِ، ثُمَّ أَمَرْتُهُ أَنْ يَنْفُضَ كَفَّيْهِ فَقالَ هٰكَذا، ضَرَبَ إِحْدَى كَفَّيْهِ بِالأُخْرَى فَحَلَبَ كُثْبَةً مِنْ لَبَنٍ وقَدْ جَعَلْتُ لِرَسُولِ اللهِ ﷺ إداوةً عَلى فِيْهَا خِرْقَةٌ فَصَبَبْتُ عَلى اللَّبَنِ حَتَّى بَرَدَ أَسْفَلُهُ، فَانْتَهَيْتُ إِلَى النَّبِيِّ ﷺ فَقُلْتُ: اشْرَبْ يا رَسُولَ اللهِ، فَشَرِبَ حَتَّى رَضِيتُ. [انظر: ٣٦١٥، ٣٦٥٢، ٣٩٠٨، ٣٩١٧، ٥٦٠٧]

then milked a little milk. I put the milk for Allāh's Messenger ﷺ in a pot and closed its mouth with a piece of cloth and poured water over it till it became cold. I took it to the Prophet ﷺ and said, "Drink, O Allāh's Messenger!" He drank it till I was pleased.

46 – THE BOOK OF *AL-MAẒĀLIM* (THE OPPRESSIONS)

Concerning oppressions and unlawful taking (of something) by violence.

٤٦ - كتاب المظالم

في المَظَالِمِ والغَصْبِ،

And the Statement of Allāh تعالى:

"Consider not that Allāh is unaware of that which the *Ẓālimūn* (polytheists, wrong-doers) do, but He gives them respite up to a Day when the eyes will stare in horror. (They will be) hastening forward with necks outstretched, their heads raised up (towards the sky), their gaze returning not towards them and their hearts empty (from thinking because of extreme fear). And warn (O Muḥammad ﷺ) mankind of the Day when the torment will come unto them; then the wrong-doers will say: 'Our Lord! Respite us for a little while, we will answer Your Call and follow the Messengers!' (It will be said): 'Had you not sworn aforetime that you would not leave (the world for the Hereafter). And you dwelt in dwellings of men who wronged themselves, and it was clear to you how We had dealt with them. And We put forth (many) parables for you.' Indeed they planned their plot, and their plot was with Allāh, though their plot was not such as to remove the mountains (real mountains or the Islāmic laws) from their places (as it is of no importance)[1]. So think not that Allāh will fail to keep His Promise to His Messengers. Certainly Allāh is All-Mighty, All-Able of Retribution." (V.14:42-47)

وقَوْلِ الله تَعالى: ﴿وَلَا تَحْسَبَنَّ ٱللَّهَ غَٰفِلًا عَمَّا يَعْمَلُ ٱلظَّٰلِمُونَ إِنَّمَا يُؤَخِّرُهُمْ لِيَوْمٍ تَشْخَصُ فِيهِ ٱلْأَبْصَٰرُ ﴿٤٢﴾ مُهْطِعِينَ مُقْنِعِي رُءُوسِهِمْ لَا يَرْتَدُّ إِلَيْهِمْ طَرْفُهُمْ وَأَفْـِٔدَتُهُمْ هَوَآءٌ ﴿٤٣﴾﴾ رَافِعي رُؤُوسِهِمْ. المُقْنِعُ والمُقْمِحُ واحِدٌ.

قالَ مُجَاهِدٌ: مُهْطِعِينَ: مُدِيمِي النَّظَرِ. وقالَ غَيْرُهُ: مُسْرِعِينَ ﴿لَا يَرْتَدُّ إِلَيْهِمْ طَرْفُهُمْ وَأَفْـِٔدَتُهُمْ هَوَآءٌ﴾ يَعْني جُوفاً لا عُقُولَ لَهُمْ ﴿وَأَنذِرِ ٱلنَّاسَ يَوْمَ يَأْتِيهِمُ ٱلْعَذَابُ فَيَقُولُ ٱلَّذِينَ ظَلَمُوا۟ رَبَّنَآ أَخِّرْنَآ إِلَىٰٓ أَجَلٍ قَرِيبٍ نُّجِبْ دَعْوَتَكَ وَنَتَّبِعِ ٱلرُّسُلَ أَوَلَمْ تَكُونُوٓا۟ أَقْسَمْتُم مِّن قَبْلُ مَا لَكُم مِّن زَوَالٍ ﴿٤٤﴾ وَسَكَنتُمْ فِى مَسَٰكِنِ ٱلَّذِينَ ظَلَمُوٓا۟ أَنفُسَهُمْ وَتَبَيَّنَ لَكُمْ كَيْفَ فَعَلْنَا بِهِمْ وَضَرَبْنَا لَكُمُ ٱلْأَمْثَالَ ﴿٤٥﴾ وَقَدْ مَكَرُوا۟ مَكْرَهُمْ وَعِندَ ٱللَّهِ مَكْرُهُمْ وَإِن كَانَ مَكْرُهُمْ لِتَزُولَ مِنْهُ ٱلْجِبَالُ ﴿٤٦﴾ فَلَا تَحْسَبَنَّ ٱللَّهَ مُخْلِفَ وَعْدِهِۦ رُسُلَهُۥٓ إِنَّ ٱللَّهَ عَزِيزٌ ذُو ٱنتِقَامٍ ﴿٤٧﴾﴾ [إبراهيم: ٤٢ - ٤٧].

(1) CHAPTER. Retaliation (on the Day of Judgement) in cases of oppressions.

(١) **بابُ قِصَاصِ المَظالِمِ**

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(1) (Ch. 1) It is said in *Tafsir Ibn Kat͟hir* as regarding this Verse that the Quraish pagans plotted against Prophet Muḥammad ﷺ to kill him but they failed and were unable to carry out their plot which they plotted.

2440. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "When the believers pass safely over (the bridge across) Hell, they will be stopped at an arched bridge in between Hell and Paradise, where they will retaliate upon each other for the injustices done among them in the world, and when they get purified of all their sins, they will be admitted into Paradise. By Him in Whose Hands the soul of Muḥammad (ﷺ) is, everybody will (recognize) his dwelling in Paradise better than he recognizes his dwelling in this world."

٢٤٤٠ - حَدَّثَنَا إِسحَاقُ بنُ إِبْرَاهِيمَ: أَخبرَنا مُعاذُ بنُ هِشامٍ: حدَّثني أَبي، عَنْ قَتادَةَ، عَنْ أَبي المُتوكِّلِ النَّاجِي، عَنْ أَبي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ قالَ: «إِذَا خَلَصَ المُؤْمِنُونَ مِنَ النَّارِ حُبِسُوا بِقَنْطَرَةٍ بَينَ الجَنَّةِ والنَّارِ فَيَتَقاصُّونَ مظالِمَ كانَتْ بَيْنَهُمْ في الدُّنْيا حتَّى إِذَا نُقُّوا وهُذِّبُوا أُذِنَ لَهُمْ بِدُخُولِ الجَنَّةِ. فَوَالَّذِي نَفْسُ مُحَمَّدٍ ﷺ بِيَدِهِ، لَأَحَدُهُمْ بِمَسْكَنِهِ في الجَنَّةِ أَدَلُّ بِمَنزِلِهِ كانَ في الدُّنْيا».

وقالَ يُونُسُ بنُ مُحَمَّدٍ: حدَّثنا شَيْبانُ، عَنْ قَتادَةَ: حَدَّثَنا أَبُو المُتَوَكِّلِ. [انظر: ٦٥٣٥]

(2) CHAPTER. The Statement of Allāh تعالى: "... No doubt! The curse of Allāh is on the *Ẓālimūn* (polytheists, oppressors, and the wrong-doers) (V.11:18)

(٢) بابُ قَوْلِ اللهِ تَعالَى: ﴿أَلَا لَعْنَةُ اللَّهِ عَلَى الظَّالِمِينَ﴾ [هود: ١٨]

2441. Narrated Ṣafwān bin Muḥriz Al-Māzinī: While I was walking with Ibn 'Umar رَضِيَ اللهُ عَنْهُما holding his hand, a man came in front of us and asked, "What have you heard from Allāh's Messenger ﷺ about *An-Najwa*?"[1] Ibn 'Umar رَضِيَ اللهُ عَنْهُما said, "I heard Allāh's Messenger ﷺ saying, 'Allāh will bring a believer near Him and shelter him with His Screen and ask him: Did you commit such and such sins? He will say: Yes, my Lord. Allāh will keep on asking him till he will confess all his sins and will think

٢٤٤١ - حَدَّثَنَا مُوسَى بنُ إِسمَاعِيلَ: حدَّثنا هَمَّامٌ قالَ: حَدَّثَني قَتادَةُ، عَنْ صَفْوانَ بنِ مُحْرِزٍ المَازِنِيِّ قالَ: بَيْنَما أنا أَمْشِي مَعَ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما آخِذٌ بِيَدِهِ، إِذْ عَرَضَ رَجُلٌ فَقالَ: كَيْفَ سَمِعْتَ رَسُولَ اللهِ ﷺ في النَّجْوَى؟ فَقَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «إِنَّ اللهَ يُدْني

(1) (Ch. 2441) *An-Najwa* is confidential talk between Allāh and his devotee on the Day of judgement. It is a favour from Allāh upon His devotee. The *Ḥadīth* explains the word clearly.

الْمُؤْمِنَ فَيَضَعُ عَلَيْهِ كَنَفَهُ وَيَسْتُرُهُ فَيَقُولُ: أَتَعْرِفُ ذَنْبَ كَذَا؟ أَتَعْرِفُ ذَنْبَ كَذَا؟ فَيَقُولُ: نَعَمْ أَيْ رَبِّ، حَتَّى قَرَّرَهُ بِذُنُوبِهِ وَرَأَى فِي نَفْسِهِ أَنَّهُ هَلَكَ قَالَ: سَتَرْتُهَا عَلَيْكَ فِي الدُّنْيَا، وَأَنَا أَغْفِرُهَا لَكَ الْيَوْمَ. فَيُعْطَى كِتَابَ حَسَنَاتِهِ. وَأَمَّا الْكَافِرُ وَالْمُنَافِقُونَ فَيَقُولُ الأَشْهَادُ: ﴿هَٰؤُلَاءِ الَّذِينَ كَذَبُوا عَلَىٰ رَبِّهِمْ أَلَا لَعْنَةُ اللَّهِ عَلَى الظَّالِمِينَ﴾ [هود: ١٨]. [انظر: ٤٦٨٥، ٦٠٧٠، ٧٥١٤]

that he is ruined. Allāh will say: I did screen your sins in the world and I forgive them for you today. And then he will be given the book (record) of his good deeds. Regarding disbelievers and hypocrites (their evil acts will be exposed publicly) and the witnesses will say: These are the ones who lied against their Lord. No doubt! The curse of Allāh is on the *Zālimūn* (polytheists, oppressors and the wrong-doers).'" (V.11:18)

(٣) بابٌ لا يَظْلِمُ الْمُسْلِمُ الْمُسْلِمَ ولا يُسْلِمُهُ

(3) CHAPTER. A Muslim should not oppress another Muslim, nor should he hand him over to an oppressor.

٢٤٤٢ - حَدَّثَنَا يَحْيَى بنُ بُكَيْرٍ: حدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ أَنَّ سالماً أَخْبَرَهُ: أَنَّ عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُما أَخْبَرَهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «الْمُسْلِمُ أَخُو الْمُسْلِمِ، لا يَظْلِمُهُ ولا يُسْلِمُهُ، وَمَنْ كانَ في حاجَةِ أَخِيهِ، كانَ اللهُ في حاجَتِهِ. وَمَنْ فَرَّجَ عَنْ مُسْلِمٍ كُرْبَةً فَرَّجَ اللهُ عَنْهُ كُرْبَةً مِنْ كُرُباتِ يَوْمِ القِيامَةِ، وَمَنْ سَتَرَ مُسْلِماً سَتَرَهُ اللهُ يَوْمَ القِيامَةِ». [انظر: ٦٩٥١]

2442. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "A Muslim is a brother of another Muslim, so he should not oppress him, nor should he hand him over to an oppressor. Whoever fulfilled the needs of his brother, Allāh will fulfill his needs; whoever brought his (Muslim) brother out of a discomfort, Allāh will bring him out of the discomforts of the Day of Resurrection, and whoever screened a Muslim, Allāh will screen him on the Day of Resurrection."

(٤) بابٌ أَعِنْ أَخاكَ ظالِماً أَوْ مَظْلُوماً

(4) CHAPTER. Help your brother whether he is an oppressor or he is an oppressed one. (See *Ḥadīth* 2444 below).

٢٤٤٣ - حَدَّثَنَا عُثْمانُ بنُ أَبي شَيْبَةَ: حدَّثَنا هُشَيْمٌ: أَخبرَنا عُبَيْدُ اللهِ

2443. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Help your brother, whether he is an oppressor or he is

بنُ أبي بَكْرِ بنِ أنَسٍ، وحُميدٌ سَمِعَا أنَسَ بنَ مالكٍ رَضِيَ اللهُ عَنْهُ يقولُ: قَالَ النَّبيُّ ﷺ: «انْصُرْ أخاكَ ظَالِماً أوْ مَظْلُوماً». [انظر: ٢٤٤٤، ٦٩٥٢]

an oppressed one."

٢٤٤٤ - حَدَّثَنَا مُسَدَّدٌ: حدَّثنا مُعْتَمِرٌ، عَنْ حُمَيْدٍ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «انْصُرْ أخاكَ ظالماً أوْ مَظْلُوماً». قالُوا: يا رَسُولَ اللهِ، هذَا نَنْصُرُهُ مَظْلُوماً، فَكَيْفَ نَنْصُرُهُ ظالماً؟ فَقالَ: «تَأْخُذُ فَوْقَ يَدَيْهِ». [راجع: ٢٤٤٣]

2444. Narrated Anas رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Help your brother, whether he is an oppressor or he is an oppressed one. People asked, "O Allāh's Messenger! It is all right to help him if he is oppressed, but how should we help him if he is an oppressor?" The Prophet ﷺ said, "By preventing him from oppressing others."

(٥) بابُ نَصْرِ المَظْلُومِ

(5) CHAPTER. To help the oppressed.

٢٤٤٥ - حَدَّثَنَا سَعِيدُ بنُ الرَّبيعِ: حدَّثنا شُعْبَةُ، عَنِ الأشْعَثِ بنِ سُلَيمٍ قالَ: سَمِعْتُ مُعاوِيَةَ بنَ سُوَيْدٍ: سَمِعْتُ البَرَاءَ بنَ عازِبٍ رَضِيَ اللهُ عَنْهُما قالَ: «أمَرَنا النَّبيُّ ﷺ بِسَبْعٍ ونَهانَا عَنْ سَبْعٍ: فَذَكَرَ عِيادَةَ المَرِيضِ، واتِّباعَ الجَنائِزِ، وتَشْمِيتَ العاطِسِ، ورَدَّ السَّلامِ، ونَصْرَ المَظْلُومِ، وإجَابَةَ الدَّاعِي، وإبْرَارَ المُقْسِمِ». [راجع: ١٢٣٩]

2445. Narrated Mu'āwīya bin Suwaid: I heard Al-Barā' bin 'Āzib رَضِيَ اللهُ عَنْهُما saying, "The Prophet ﷺ ordered us to do seven things and prohibited us from doing seven other things." Then Al-Barā' mentioned: (He ﷺ ordered us the following):

1. To pay a visit to the sick (enquiring about his health),
2. to follow funeral procession,
3. to say to a sneezer, "May Allāh be Merciful to you" (if he says, 'Praise be to Allāh!'),
4. to return greetings,
5. to help the oppressed,
6. to accept invitations,
7. to help others to fulfill their oaths.

[See *Ḥadīth* 5863 and H. 1239]

٢٤٤٦ - حَدَّثَنَا مُحَمَّدُ بنُ العَلاءِ: حدَّثنا أبُو أُسامَةَ، عَنْ بُرَيْدٍ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «المُؤْمِنُ

2446. Narrated Abū Mūsa رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "A believer to another believer is like a building whose different parts reinforce each other." The Prophet ﷺ then clasped his hands, with the fingers interlaced (while saying that).

لِلْمُؤْمِنِ كَالْبُنْيَانِ يَشُدُّ بَعْضُهُ بَعْضاً»، وشَبَّكَ بَينَ أَصابعِهِ. [راجع: ٤٨١]

(٦) **بابُ الانْتِصارِ من الظَّالِمِ،**

لِقَوْلِهِ جَلَّ ذِكْرُهُ: ﴿لَا يُحِبُّ ٱللَّهُ ٱلْجَهْرَ بِٱلسُّوٓءِ مِنَ ٱلْقَوْلِ إِلَّا مَن ظُلِمَ ۚ وَكَانَ ٱللَّهُ سَمِيعًا عَلِيمًا﴾ [النساء: ١٤٨] ﴿وَٱلَّذِينَ إِذَآ أَصَابَهُمُ ٱلْبَغْىُ هُمْ يَنتَصِرُونَ﴾ [الشورى: ٣٩] قالَ إبْرَاهِيمُ: كانُوا يَكْرَهُونَ أنْ يُسْتَذَلُّوا، فإذَا قَدَرُوا عَفَوْا.

(٧) **بابُ عفوِ المَظْلُومِ،**

لِقَوْلِهِ تَعالَى: ﴿إِن تُبْدُوا۟ خَيْرًا أَوْ تُخْفُوهُ أَوْ تَعْفُوا۟ عَن سُوٓءٍ فَإِنَّ ٱللَّهَ كَانَ عَفُوًّا قَدِيرًا﴾ [النساء: ١٤٩] ﴿وَجَزَٰٓؤُا۟ سَيِّئَةٍ سَيِّئَةٌ مِّثْلُهَا ۖ فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُۥ عَلَى ٱللَّهِ ۚ إِنَّهُۥ لَا يُحِبُّ ٱلظَّٰلِمِينَ ۝ وَلَمَنِ ٱنتَصَرَ بَعْدَ ظُلْمِهِۦ فَأُو۟لَٰٓئِكَ مَا عَلَيْهِم مِّن سَبِيلٍ ۝ إِنَّمَا ٱلسَّبِيلُ عَلَى ٱلَّذِينَ يَظْلِمُونَ ٱلنَّاسَ وَيَبْغُونَ فِى ٱلْأَرْضِ بِغَيْرِ ٱلْحَقِّ ۚ أُو۟لَٰٓئِكَ لَهُمْ عَذَابٌ أَلِيمٌ ۝ وَلَمَن صَبَرَ وَغَفَرَ إِنَّ ذَٰلِكَ لَمِنْ عَزْمِ ٱلْأُمُورِ ۝ وَمَن يُضْلِلِ ٱللَّهُ فَمَا لَهُۥ مِن وَلِىٍّ مِّنۢ بَعْدِهِۦ ۗ وَتَرَى ٱلظَّٰلِمِينَ لَمَّا رَأَوُا۟ ٱلْعَذَابَ يَقُولُونَ هَلْ إِلَىٰ مَرَدٍّ مِّن سَبِيلٍ﴾ [الشورى: ٤٠ - ٤٤].

(6) CHAPTER. To retaliate upon an oppressor (by invoking Allāh to punish him).

As is referred to in this Statement of Allāh:

"Allāh does not like that the evil should be uttered in public except by him who has been wronged. And Allāh is Ever All-Hearer, All-Knower." (V.4:148)

"And those who, when an oppressive wrong is done to them, take revenge." (V.42:39)

Ibrāhīm said, "They disliked to be humiliated, and when they were powerful, they would forgive (their oppressors)."

(7) CHAPTER. Forgiveness granted by the oppressed person.

As is referred to by the Statement of Allāh تعالى:

"Whether you (mankind) disclose (by good words of thanks) a good deed (done to you in the form of a favour by someone), or conceal it, or pardon an evil... verily, Allāh is Ever Oft-Pardoning, All-Powerful." (V.4:149)

"The recompense for an evil is an evil like thereof, but whoever forgives and makes reconciliation, his reward is with Allāh; Verily, He likes not the *Zālimūn* (polytheists, oppressors and wrong-doers). And indeed whosoever takes revenge after he has suffered wrong, for such there is no way (of blame) against them.

The way (of blame) is only against those who oppress men and wrongly rebel in the earth without justification; for such there will be a painful torment.

And verily, whosoever shows patience and forgives, that would truly be from the things

recommended by Allāh.

And whomsoever Allāh sends astray, for him there is no *Wali* (protector, helper, guardian) after Him. And you will see the *Ẓālimūn* (polytheists, wrong-doers, oppressors) when they behold the torment, they will say: Is there any way of return (to the world)." (V.42:40-44)

(8) CHAPTER. *Aẓ-Ẓulm* (oppression) will be a darkness on the Day of Resurrection.

(٨) بابٌ الظُّلْمُ ظُلُمَاتٌ يَوْمَ القِيامَةِ

2447. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "*Aẓ-Ẓulm* (oppression) will be a darkness on the Day of Resurrection."

٢٤٤٧ - حَدَّثَنا أَحْمَدُ بنُ يُونُسَ: حدَّثنا عَبْدُ العَزِيزِ المَاجِشُونُ: أَخْبَرَنا عَبْدُ اللهِ بنُ دِينارٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهما، عَنِ النَّبِيِّ ﷺ قالَ: «الظُّلْمُ ظُلُمَاتٌ يَوْمَ القِيامَةِ».

(9) CHAPTER. One should save oneself from the curse of the oppressed.

(٩) بابُ الاتِّقاءِ والحَذَرِ مِنْ دَعْوَةِ المَظْلُومِ

2448. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ sent Mu'ādh to Yemen and said, "Be afraid, from the curse of the oppressed as there is no screen between his invocation and Allāh."(1)

٢٤٤٨ - حَدَّثَنا يَحْيى بنُ مُوسَى: حدَّثنا وكيعٌ: حدَّثنا زَكَرِيَّا بنُ إسحاقَ المَكِّيُّ، عَنْ يَحْيى بنِ عَبْدِ اللهِ بنِ صَيْفِيٍّ، عَنْ أبي مَعْبَدٍ مَوْلَى ابنِ عَبَّاسٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا: أنَّ النَّبِيَّ ﷺ بَعَثَ مُعاذاً إلَى اليَمَنِ، فقالَ: «اتَّقِ دَعْوَةَ المَظْلُومِ فَإِنَّها لَيْسَ بَيْنَها وبَيْنَ اللهِ حِجابٌ». [راجع: ١٣٩٥]

(10) CHAPTER. If the oppressed one forgives the oppressor, is it necessary to describe his oppression?

(١٠) بابٌ مَنْ كانَتْ لَهُ مَظْلَمَةٌ عِنْدَ الرَّجُلِ فَحَلَّلَها لَهُ، هَلْ يُبَيِّنُ مَظْلَمَتَهُ؟

2449. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ:

٢٤٤٩ - حَدَّثَنا آدَمُ بنُ أبي

(1) (H. 2448) Allāh will respond to his invocation and punish the oppressor sooner or later. (*Qasṭalānī*).

إياسٍ: حدَّثَنا ابنُ أبي ذِئْبٍ: حدَّثَنا سَعِيدٌ المَقْبُرِيُّ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ كانَتْ لَهُ مَظْلَمَةٌ لِأَخِيْهِ مِنْ عِرْضِهِ أَوْ شَيْءٍ فَلْيَتَحَلَّلْهُ مِنْهُ اليَوْمَ قَبْلَ أَنْ لا يَكُونَ دِينارٌ ولا دِرْهَمٌ، إنْ كانَ لَهُ عَمَلٌ صَالِحٌ أُخِذَ مِنْهُ بِقَدْرِ مَظْلَمَتِهِ. وإنْ لَمْ يَكُنْ لَهُ حَسَنَاتٌ أُخِذَ مِنْ سَيِّئَاتِ صَاحِبِهِ فَحُمِلَ عَلَيْهِ».

قالَ أَبُو عَبْدِ اللهِ: قالَ إسمَاعِيلُ بنُ أبي أُوَيْسٍ: إنَّما سُمِّيَ المَقْبُرِيَّ لأنَّهُ كانَ يَنْزِلُ ناحِيَةَ المَقابِرِ. قالَ أبو عَبْدِ اللهِ: وسَعِيدٌ المَقْبُرِيُّ هُوَ مَوْلى بَنِي لَيْثٍ، وهُوَ سَعِيدُ بنُ أبي سَعِيدٍ، واسْمُ أبي سَعِيدٍ كَيْسانُ.

[انظر: ٦٥٣٤]

Allāh's Messenger ﷺ said, "Whoever has oppressed another person concerning his reputation or anything else, he should beg him to forgive him before the Day of Resurrection when there will be no money (to compensate for wrong deeds), but if he has good deeds, those good deeds will be taken from him according to his oppression which he has done, and if he has no good deeds, the sins of the oppressed person will be loaded on him."

(١١) بابٌ إذَا حَلَّلَهُ مِنْ ظُلْمِهِ فَلا رَجُوعَ فِيهِ

(11) CHAPTER. If the oppressed person forgives the oppressor, he has no right to back out (of his forgiveness).

٢٤٥٠ - حَدَّثَنَا مُحَمَّدٌ: أَخْبرَنا عَبْدُ اللهِ: أَخْبرَنا هِشامُ بنُ عُرْوَةَ، عَنْ أبِيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: ﴿وَإِنِ ٱمْرَأَةٌ خَافَتْ مِنۢ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا﴾ [النساء: ١٢٨] قالَت: الرَّجُلُ تَكُونُ عِنْدَهُ المَرْأَةُ لَيْسَ بِمُسْتَكْثِرٍ مِنْها يُرِيدُ أنْ يُفارِقَها فَتَقُولُ: أَجْعَلُكَ مِنْ شأنِي في حِلٍّ، فَنزَلَتْ هٰذِهِ الآيَةُ في ذٰلِكَ. [انظر: ٢٦٩٤، ٤٦٠١، ٥٢٠٦]

2450. Narrated 'Āishah رَضِيَ اللهُ عَنها regarding the explanation of the following Verse:

"And if a woman fears cruelty or desertion on her husband's part..." (V.4:128)

A man may dislike his wife and intend to divorce her, so she says to him, "I give up my rights, so do not divorce me." The above Verse was revealed concerning such a case.

(١٢) بابٌ إذَا أَذِنَ لَهُ أو أَحَلَّهُ ولَمْ

(12) CHAPTER. If a person allows another or permits him (the latter) to have

something of his right and does not clarify as to how much is that?

يُبَيِّنْ كَمْ هُوَ؟

2451. Narrated Sahl bin Sa'd As-Sā'idī رَضِيَ اللهُ عَنْهُ: A drink (milk mixed with water) was brought to Allāh's Messenger ﷺ who drank some of it. A boy was sitting to his right, and some old men to his left. Allāh's Messenger ﷺ said to the boy, "Do you allow me to give the rest of the drink to these people?" The boy said, "O Allāh's Messenger! I will not give preference to anyone over me to have my share from you (i.e., to drink the rest of it from which you have drunk)." So Allāh's Messenger ﷺ handed the bowl (of drink) to the boy.

[See *Hadith* No.2351)].

٢٤٥١ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبرَنا مالكٌ، عَنْ أبي حازِمِ بنِ دِينارٍ، عَنْ سَهْلِ بنِ سَعْدٍ السَّاعِدِيِّ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ أُتيَ بِشَرَابٍ فَشَرِبَ مِنْهُ وعَنْ يَمِينِهِ غُلامٌ وعَنْ يَسارِهِ الأشْياخُ فَقَالَ لِلْغُلامِ: «أَتَأْذَنُ لي أنْ أُعْطِيَ هؤُلاءِ؟» فَقالَ الغُلامُ: لا واللهِ يا رَسُولَ اللهِ، لا أُوثِرُ بِنَصِيبِي مِنْكَ أَحَداً، قالَ: فَتَلَّهُ رَسُولُ اللهِ ﷺ في يَدِهِ. [راجع: ٢٣٥١]

(13) CHAPTER. The sin of him who usurps the land of others.

(١٣) **بابُ** إِثْمِ مَنْ ظَلَمَ شَيْئاً مِنَ الأرْضِ

2452. Narrated Sa'īd bin Zaid رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever usurps the land of somebody unjustly, his neck will be encircled with seven earths (on the Day of Resurrection)."

٢٤٥٢ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: حدَّثَني طَلْحَةُ ابنُ عَبْدِ اللهِ: أَنَّ عَبْدَ الرَّحْمٰنِ بْنَ عَمْرِو ابْنِ سَهْلٍ: أَخْبرَهُ أَنَّ سَعِيدَ بنَ زَيدٍ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ ظَلَمَ مِنَ الْأَرْضِ شَيْئاً، طُوِّقَهُ مِنْ سَبْعِ أَرَضِينَ». [انظر: ٣١٩٨]

2453. Abū Salama narrated that there was a dispute between him and some people (about a piece of land). When he told 'Āishah رَضِيَ اللهُ عَنْها about it, she said, "O Abū Salama! Avoid taking the land unjustly, for the Prophet ﷺ said, 'Whoever usurps even one span of the land of somebody, his neck will be encircled with seven earths (on the Day of Resurrection)."

٢٤٥٣ - حَدَّثَنا أَبُو مَعْمَرٍ: حدَّثَنا عَبْدُ الوَارِثِ: حدَّثَنا حُسَيْنٌ، عَنْ يَحْيى ابنِ أبي كَثِيرٍ قالَ: حدَّثَني مُحَمَّدُ بنُ إِبْراهِيمَ: أَنَّ أَبا سَلَمَةَ حدَّثَهُ: أَنَّهُ كانَتْ بَيْنَهُ وبَيْنَ أُناسٍ خُصُومَةٌ فَذكَرَ لِعائِشَةَ رَضِيَ اللهُ عَنْها

فَقالَتْ لَهُ: يا أبا سَلَمَةَ اجْتَنِبِ الأَرْضَ فإنَّ النَّبِيَّ ﷺ قالَ: «مَنْ ظَلَمَ قِيدَ شِبْرٍ منَ الأَرْضِ طُوِّقَهُ مِنْ سَبْعِ أَرَضِينَ». [انظر: ٣١٩٥]

2454. Narrated Sālim's father (i.e., 'Abdullāh رَضِيَ اللهُ عَنْهُ): The Prophet ﷺ said, "Whoever takes a piece of the land of others unjustly, he will sink down the seven earths on the Day of Resurrection."

٢٤٥٤ - **حَدَّثَنا** مُسْلِمُ بنُ إبْرَاهِيمَ: حدَّثَنا عَبْدُ اللهِ بنُ المُبارَكِ: حدَّثَنا مُوسَى ابنُ عُقْبَةَ، عَنْ سَالِمٍ، عَنْ أَبِيهِ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ ﷺ: «مَنْ أَخَذَ مِنَ الأَرْضِ شَيْئاً بِغَيرِ حَقِّهِ خُسِفَ بِهِ يَوْمَ القِيامَةِ إلى سَبْعِ أَرَضِينَ». قالَ الفِرَبْرِي: قالَ أَبُو جَعْفَرِ بنُ أَبِي حاتِمٍ: قالَ أَبُو عَبْدِ اللهِ: هٰذَا الحَدِيثُ لَيْسَ بِخُرَاسَانَ في كُتُبِ ابنِ المُبارَكِ، أَمْلَى عَلَيهِمْ بِالبَصْرَةِ. [انظر: ٣١٩٦]

(14) CHAPTER. If somebody allows another to do something, the permission is valid.

(١٤) بابٌ إذَا أَذِنَ إِنْسانٌ لآخَرَ شَيْئاً جازَ

2455. Narrated Jabala: "We were in Al-Madīna with some of the Iraqi people, and we were struck with drought (famine) and Ibn Az-Zubair used to give us dates. Ibn 'Umar رَضِيَ اللهُ عَنْهُما used to pass by us and say, "The Prophet ﷺ forbade us to eat two dates at a time, unless one takes the permission of one's companions."

٢٤٥٥ - **حَدَّثَنَا** حَفْصُ بنُ عُمَرَ: حدَّثَنا شُعْبَةُ، عَنْ جَبَلَةَ: كُنَّا بالمَدِينَةِ في بَعْضِ أَهْلِ العِرَاقِ فأَصابَنا سَنَةٌ، فَكانَ ابنُ الزُّبَيرِ يَرْزُقُنَا التَّمْرَ، فَكانَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما يَمُرُّ بِنا فَيَقُولُ: إنَّ رَسُولَ اللهِ ﷺ نَهى عَنِ الإِقْرَانِ إلَّا أن يَسْتَأْذِنَ الرَّجُلُ مِنْكُمْ أخاهُ. [انظر: ٢٤٨٩، ٢٤٩٠، ٥٤٤٦]

2456. Narrated Abū Mas'ūd رَضِيَ اللهُ عَنْهُ: There was an *Anṣārī* man called Abū Shu'aib who had a slave butcher. Abū Shu'aib said to him, "Prepare a meal sufficient for five persons so that I might invite the Prophet

٢٤٥٦ - **حَدَّثَنَا** أَبُو النُّعْمانِ: حدَّثَنا أَبُو عَوَانَةَ عَنِ الأعمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ أَبِي مَسْعُودٍ: أَنَّ

ﷺ besides other four persons." Abū Shu'aib had seen the signs of hunger on the face of the Prophet ﷺ and so he invited him. Another man who was not invited followed the Prophet ﷺ. The Prophet ﷺ said to Abū Shu'aib, "This man has followed us. Do you allow him to share the meal?" Abū Shu'aib said, "Yes."

رَجُلاً مِنَ الأَنْصارِ يُقالُ لَهُ: أَبُو شُعَيْبٍ، كانَ لَهُ غُلامٌ لَحَّامٌ فَقالَ لَهُ أَبُو شُعَيْبٍ: اصْنَعْ لي طَعامَ خَمْسَةٍ لَعَلِّي أَدْعُو النَّبِيَّ ﷺ خامِسَ خَمْسَةٍ، وأَبْصَرَ في وَجْهِ النَّبِيِّ ﷺ الجُوعَ فَدَعاهُ فَتَبِعَهُمْ رَجُلٌ لَمْ يُدْعَ فَقالَ النَّبِيُّ ﷺ: «إنَّ هٰذا قَدِ اتَّبَعَنا، أَتَأْذَنُ لَهُ؟» قالَ: نَعَمْ. [راجع: ٢٠٨١]

(15) CHAPTER. The Statement of Allāh تعالى: "Yet he is the most quarrelsome of the opponents..." (V.2:204)

(١٥) بابُ قَوْلِ اللهِ تَعالى: ﴿وَهُوَ أَلَدُّ ٱلْخِصَامِ﴾ [البقرة: ٢٠٤].

2457. Narrated 'Āishah رَضِيَ اللهُ عَنها: The Prophet ﷺ said, "The most hated person to Allāh is the most quarrelsome person of the opponents."

٢٤٥٧ - حَدَّثَنا أَبُو عاصِمٍ، عَنِ ابنِ جُرَيْجٍ، عَنِ ابْنِ أَبي مُلَيْكَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها، عَنِ النَّبِيِّ ﷺ قالَ: «إنَّ أَبْغَضَ الرِّجالِ إلَى اللهِ الأَلَدُّ الخَصِمُ». [انظر: ٤٥٢٣، ٧١٨٨]

(16) CHAPTER. The sin of a man who quarrels unjustly over something while he knows that he is wrong.

(١٦) بابُ إثْمِ مَنْ خاصَمَ في باطِلٍ وهُوَ يَعْلَمُهُ

2458. Narrated Umm Salama رَضِيَ اللهُ عَنها, the wife of the Prophet ﷺ: "Allāh's Messenger ﷺ heard some people quarrelling at the door of his dwelling. He came out and said, "I am only a human being, and opponents come to me (to settle their problems); may be someone amongst you can present his case more eloquently than the other, whereby I may consider him true and give a verdict in his favour. So, if I give the right of a Muslim to another by mistake, then it is only a portion of (Hell) Fire, he has the option to take or give up (before the Day of Resurrection)."

٢٤٥٨ - حَدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ قالَ: حَدَّثَني إبْراهِيمُ بنُ سَعْدٍ، عَنْ صالِحٍ، عَنِ ابنِ شِهابٍ قالَ: أَخْبَرَني عُرْوَةُ بنُ الزُّبَيْرِ: أنَّ زَيْنَبَ بِنْتَ أُمِّ سَلَمَةَ أَخْبَرَتْهُ أنَّ أُمَّها أُمَّ سَلَمَةَ رَضِيَ اللهُ عَنْها زَوْجَ النَّبِيِّ ﷺ أَخْبَرَتْها عَنْ رَسُولِ اللهِ ﷺ: أنَّهُ سَمِعَ خُصُومَةً بِبابِ حُجْرَتِهِ فَخَرَجَ إلَيْهِمْ فَقالَ: «إنَّما أنا بَشَرٌ، وإنَّهُ يَأْتِيني الخَصْمُ فَلَعَلَّ بَعْضَكُمْ أنْ يَكُونَ

أَبْلَغَ مِنْ بَعضٍ فأَحْسِبُ أَنَّهُ صَدَقَ فأَقْضِيَ لَهُ بِذٰلِكَ، فَمَنْ قَضَيْتُ لَهُ بِحَقِّ مُسْلِمٍ فإِنَّما هِيَ قِطْعَةٌ مِنَ النَّارِ فَلْيَأْخُذْها أَوْ لِيَترُكْها». [انظر: ٢٦٨٠، ٢٩٦٧، ٧١٦٩، ٧١٨١، ٧١٨٥]

(17) CHAPTER. (The sin of) the person who, when quarrelling, behaves impudently (i.e., by using bad words or false accusation).

(١٧) بابٌ إذا خاصَمَ فَجَرَ

2459. Narrated 'Abdullah bin 'Amr رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "Whoever has (the following) four (characteristics) will be a hypocrite, and whoever has one of the following four characteristics will have one characteristic of hypocrisy until he gives it up. These are:

(1) Whenever he speaks, he tells a lie;

(2) whenever he makes a promise, he breaks it;

(3) whenever he makes a covenant, he proves treacherous;

(4) and whenever he quarrels, he behaves impudently in an evil, insulting manner."

[See Vo. 1, *Ḥadīth* No.33, 34).

٢٤٥٩ - حَدَّثَنا بِشْرُ بنُ خالِدٍ: أَخبَرَنا مُحَمَّدُ بنُ جَعْفَرٍ، عَنْ شُعْبَةَ، عَنْ سُلَيمانَ، عَنْ عَبْدِ اللهِ بنِ مُرَّةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللهِ بنِ عَمْرٍو رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ قالَ: «أَرْبَعٌ مَنْ كُنَّ فِيهِ كانَ مُنافِقاً، أَوْ كانَتْ فِيهِ خَصْلَةٌ مِنْ أَرْبَعٍ كانَتْ فِيهِ خَصْلَةٌ مِنَ النِّفاقِ حتَّى يَدَعَها: إذَا حَدَّثَ كَذَبَ، وإذَا وعَدَ أَخْلَفَ، وإذَا عاهَدَ غَدَرَ، وإذَا خاصَمَ فَجَرَ». [راجع: ٣٤]

(18) CHAPTER. The retaliation of the oppressed person if he finds the property of his oppressor.

Ibn Sīrīn said, "The oppressed person can take what is equal to the amount taken by the oppressor." He then recited:

"And if you punish (your enemy, O you believers in the Oneness of Allāh), then punish them with the like of that with which you were afflicted..." (V.16:126)

(١٨) بابُ قِصاصِ المَظْلُومِ إذَا وجَدَ مالَ ظَالِمِهِ

وقالَ ابنُ سِيرِينَ: يُقاصُّهُ، وقَرَأَ: ﴿وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا۟ بِمِثْلِ مَا عُوقِبْتُم بِهِۦ﴾ [النحل: ١٢٦].

2460. Narrated 'Āishah رَضِيَ اللهُ عَنها: Hind bint 'Utba (Abū Sufyān's wife) came and said, "O Allāh's Messenger! Abū Sufyān is a

٢٤٦٠ - حَدَّثَنا أَبُو اليَمانِ: أَخبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ:

حدَّثَني عُرْوَةُ أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: جاءَتْ هِنْدُ بِنْتُ عُتْبَةَ بنِ رَبيعَةَ فَقالَتْ: يا رَسُولَ اللهِ إنَّ أبا سُفْيانَ رَجُلٌ مِسِّيكٌ فَهَلْ عَلَيَّ حَرَجٌ أنْ أُطْعِمَ مِنَ الَّذي لَهُ عِيالَنا؟ فَقالَ: «لا حَرَجَ عَلَيْكِ أنْ تُطْعِمِيهِمْ بالمَعْرُوفِ». [راجع: ٢٢١١]

miser. Is there any harm if I spend something from his property for our children?" He said, "There is no harm for you if you feed them from it justly and reasonably (with no extravagance)."

٢٤٦١ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ قالَ: حدَّثَني يَزيدُ، عَنْ أبي الْخَيرِ، عَنْ عُقْبَةَ بنِ عامِرٍ قَالَ: قُلْنا لِلنَّبِيِّ ﷺ: إنَّكَ تَبْعَثُنا فَنَنْزِلُ بِقَوْمٍ لا يَقْرُونَنا، فَما تَرَى فِيهِ؟ فَقالَ لَنا: «إنْ نَزَلْتُمْ بِقَوْمٍ فأُمِرَ لَكُمْ بِما يَنْبَغِي لِلضَّيْفِ فَاقْبَلُوا، فإنْ لَمْ يَفْعَلُوا فَخُذُوا مِنْهُمْ حَقَّ الضَّيْفِ». [انظر: ٦١٣٧]

2461. Narrated 'Uqba bin 'Āmir رَضِيَ الله عَنْهُ: We said to the Prophet ﷺ, "You send us out and it happens that we have to stay with such people who do not entertain us. What do you think about it?" He said to us, "If you stay with some people and they entertain you as they should for a guest, accept their hospitality, but if they don't do, take the right of the guest from them."

(١٩) بابُ مَا جَاءَ فِي السَّقَائِفِ،

وجَلَسَ النَّبِيُّ ﷺ وأصحَابُهُ، في سَقِيفَةِ بَني ساعِدَةَ.

(19) CHAPTER. What is said about sheds.

And the Prophet ﷺ along with his companions, sat in the shed of Banī Sā'ida.

٢٤٦٢ - حَدَّثَنا يَحْيى بنُ سُلَيمانَ قالَ: حدَّثَني ابنُ وَهْبٍ قالَ: حدَّثَني مالكٌ ح. وأخْبَرَني يُونُسُ عَنِ ابْنِ شِهابٍ قَالَ: أخْبَرَني عُبَيْدُ اللهِ بنُ عَبْدِ اللهِ بنِ عُتْبَةَ: أنَّ ابنَ عَبَّاسٍ أخْبَرَهُ عَنْ عُمَرَ رَضِيَ اللهُ عَنْهُمْ قالَ: حِينَ تَوفَّى اللهُ نَبِيَّهُ ﷺ، إنَّ الأنْصارَ اجْتَمَعُوا في سَقِيفَةِ بَني ساعِدَةَ فَقُلْتُ لِأَبي بَكْرٍ: انْطَلِقْ بِنا، فَجِئْناهُمْ في

2462. Narrated 'Umar رَضِيَ الله عَنْهُ: When Allāh took away the soul of His Prophet ﷺ at his death, the *Anṣār* assembled in the shed of Banī Sā'ida. I said to Abū Bakr, "Let us go." So, we came to them (i.e., to *Anṣār*) at the shed of Banī Sā'ida.

[See Vol 5, *Ḥadīth* No.3667, for details].

سَقِيفَةِ بَنِي ساعِدَةَ. [انظر: ٣٤٤٥، ٣٩٢٨، ٤٠٢١، ٦٨٢٩، ٦٨٣٠، ٧٣٢٣]

(20) CHAPTER. No one should prevent his neighbour from fixing a wooden peg in his wall.

(٢٠) **بابٌ** لا يَمْنَعُ جارٌ جارَهُ أَنْ يَغْرِزَ خَشَبَةً في جِدارِهِ

2463. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "No one should prevent his neighbour from fixing a wooden peg in his wall." Abū Hurairah رَضِيَ اللهُ عَنْهُ then said (to his companions), "Why do I find you averse to it? By Allāh, I certainly will narrate it to you."

٢٤٦٣ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنِ ابنِ شِهابٍ عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ أنَّ رَسُولَ اللهِ ﷺ قالَ: «لا يَمْنَعْ جارٌ جارَهُ أنْ يَغْرِزَ خَشَبَةً في جِدارِهِ»، ثُمَّ يَقُولُ أبُو هُرَيْرَةَ: ما لِي أراكُمْ عَنها مُعْرِضِينَ؟ واللهِ لَأَرْمِيَنَّهَا بِها بَينَ أكْتافِكُمْ. [انظر: ٥٦٢٧، ٥٦٢٨]

(21) CHAPTER. Spilling wine on the way.

(٢١) **بابُ** صَبِّ الخَمْرِ في الطَّرِيقِ

2464. Narrated Anas رَضِيَ اللهُ عَنْهُ: I was the butler of the people in the house of Abū Ṭalḥa, and in those days drinks were prepared from dates. Allāh's Messenger ﷺ ordered somebody to announce that alcoholic drinks had been prohibited. Abū Ṭalḥa ordered me to go out and spill the wine. I went out and spilled it, and it flowed in the streets of Al-Madīna. Some people said, "Some people were killed and wine was still in their stomachs." On that the Divine revelation came:

"Those who believe and do righteous good deeds, there is no sin on them for what they ate (in the past)..." (V.5:93)

٢٤٦٤ - حَدَّثَني مُحَمَّدُ بنُ عَبْدِ الرَّحِيمِ أبُو يَحْيى: أخْبَرَنا عَفَّانُ: حَدَّثَنا حَمَّادُ بنُ زَيْدٍ: حَدَّثَنا ثابِتٌ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ: كُنْتُ ساقِيَ القَوْمِ في مَنزِلِ أبي طَلْحَةَ، وكانَ خَمْرُهُمْ يَوْمَئِذٍ الفَضِيخَ، فأمَرَ رَسُولُ اللهِ ﷺ مُنادِياً يُنادِي: ألَا إنَّ الخَمْرَ قَدْ حُرِّمَتْ، قالَ: فَقالَ لِي أبُو طَلْحَةَ: اخْرُجْ فأهْرِقْها، فَخَرَجْتُ فَهَرَقْتُها فَجَرَتْ في سِكَكِ المَدِينَةِ. فَقالَ بَعْضُ القَوْمِ: قَدْ قُتِلَ قَومٌ وهِيَ في بُطُونِهِمْ، فَأَنْزَلَ اللهُ: ﴿لَيْسَ عَلَى ٱلَّذِينَ ءَامَنُوا۟ وَعَمِلُوا۟ ٱلصَّٰلِحَٰتِ جُنَاحٌ فِيمَا طَعِمُوٓا۟﴾ الآيَةَ [المائدة: ٩٣]. [انظر:

٤٦١٧، ٤٦٢٠، ٥٥٨٠، ٥٥٨٢، ٥٥٨٣،
٥٥٨٤، ٥٦٠٠، ٥٦٢٢، ٧٢٥٣]

(22) CHAPTER. What is said about the open courtyards of houses and sitting in them, and sitting on the ways.

Narrated 'Āishah رَضِيَ اللهُ عَنْها: Abū Bakr got a mosque constructed in front of his house and used to offer *Ṣalāt* (prayer) and recite the Qur'ān there. The women and children of the *Mushrikun* used to encircle him and were astonished at his behaviour. The Prophet ﷺ was staying at Makkah during those days.

(٢٢) **بابُ أفْنِيَةِ الدُّورِ والجُلُوسِ فِيها، والجُلُوسِ عَلى الصُّعُدَاتِ**

وقالَتْ عائِشَةُ: فابْتَنى أبُو بَكْرٍ مَسْجِداً بِفِناءِ دَارِهِ يُصَلِّي فِيهِ ويَقْرَأُ القُرْآنَ فَيَتَقَصَّفُ عَلَيْهِ نِساءُ المُشْرِكِينَ وأَبْناؤُهُمْ، يَعْجَبُونَ مِنْهُ والنَّبِيُّ ﷺ يَوْمَئِذٍ بِمَكَّةَ.

2465. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Beware! Avoid sitting on the roads (ways)." The people said, "There is no way out of it as these are our sitting places where we have talks." The Prophet ﷺ said, "If you must sit there, then observe the rights of the way." They asked, "What are the rights of the way?" He said, "They are the lowering of your gazes (on seeing what is illegal to look at), refraining from harming people, returning greetings, enjoining *Al-Ma'rūf* (i.e., Islāmic Monotheism and all that Islām orders one to do) and forbidding *Al-Munkar* (i.e., polytheism, disbelief, and all that Islām has forbidden)."

٢٤٦٥ - **حَدَّثَنا** مُعاذُ بنُ فَضالَةَ: حدَّثَنا أبُو عُمَرَ حَفْصُ بنُ مَيْسَرَةَ، عَنْ زَيْدِ بنِ أسْلَمَ، عَنْ عَطاءِ بنِ يَسارٍ. عَنْ أبي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «إيَّاكُمْ والجُلُوسَ عَلى الطُّرُقَاتِ»، فَقالُوا: ما لَنا بُدٌّ، إنَّما هيَ مجَالِسُنا نَتَحَدَّثُ فِيها. قالَ: «فإذَا أتَيْتُم إلَى الْمَجَالِسِ فأعْطُوا الطَّرِيقَ حَقَّها». قالُوا: وما حَقُّ الطَّرِيقِ؟ قالَ: «غَضُّ البَصَرِ، وكَفُّ الأذَى، ورَدُّ السَّلامِ، وأمْرٌ بالمَعْرُوفِ، ونَهْيٌ عَنِ المُنْكَرِ».

[انظر: ٦٢٢٩]

(23) CHAPTER. The digging of wells on the ways (is permissible) if they do not cause trouble to the people.

2466. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "A man felt very thirsty while he was on the way, there he came across a well. He went down the well, quenched his thirst and came out.

(٢٣) **بابُ الآبارِ عَلى الطُّرُقِ إذَا لَمْ يُتَأَذَّ بِها**

٢٤٦٦ - **حَدَّثَنا** عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ سُمَيٍّ مَوْلىٰ أبي بَكْرٍ، عَنْ أبي صَالِحٍ السَّمَّانِ،

Meanwhile he saw a dog panting and licking mud because of excessive thirst. He said to himself, 'This dog is suffering from thirst as I did.' So, he went down the well again and filled his shoe with water and watered the dog. Allāh thanked him for that deed and forgave him. The people said, "O Allāh's Messenger! Is there a reward for us in serving the animals?" He replied: "Yes, there is a reward for serving any animate (living being)."

[See *Ḥadīth* No.2363].

عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «بَيْنَما رَجُلٌ بِطَرِيقٍ فَاشْتَدَّ عَلَيْهِ العَطَشُ فَوَجَدَ بِئْراً فَنزَلَ فِيها فَشَرِبَ ثُمَّ خَرَجَ، فإذَا كَلْبٌ يَلْهَثُ يأكُلُ الثَّرَى مِنَ العَطَشِ. فَقالَ الرَّجُلُ: لَقَدْ بَلَغَ هٰذَا الكَلْبَ مِنَ العَطَشِ مِثْلُ الَّذِي كانَ بَلَغَ مِنِّي، فَنزَلَ البِئْرَ فَمَلأَ خُفَّهُ مَاءً، فَسَقى الكَلْبَ، فَشَكَرَ اللهُ لَهُ فَغَفَرَ لَهُ». قالُوا: يا رَسُولَ اللهِ، وإنَّ لَنا فِي الْبَهَائِمِ لأجْراً؟ فَقالَ: «في كُلِّ ذَاتِ كَبِدٍ رَطْبَةٍ أجْرٌ». [راجع: ١٧٣]

(24) CHAPTER. To remove harmful things from the roads.

Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "To remove harmful things from the roads is *Ṣadaqa* (a charitable act)."

(٢٤) بابُ إماطَةِ الأذَى

وقالَ هَمَّامٌ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ: «يُمِيطُ الأذَى عَنِ الطَّرِيقِ صَدَقَةٌ».

(25) CHAPTER. (The permissibility of living on) higher places of a house, looking upon other houses or not looking upon other houses, whether these places are on roofs or not.

(٢٥) بابُ الغُرْفَةِ والعُلِّيَّةِ المُشْرِفَةِ وغَيرِ المُشْرِفَةِ في السُّطُوحِ وغَيرِها

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2467. Narrated Usāma bin Zaid رَضِيَ اللهُ عَنْهُما: Once the Prophet ﷺ stood at the top of one of the castles (or higher buildings) of Al-Madīna and said, "Do you see what I see? No doubt I see the places or spots of *Al-Fitan* (trials and afflictions) amongst your houses as numerous as the spots where rain-drops fall (during a heavy rain).

[See *Ḥadīth* No.1878]

٢٤٦٧ - حَدَّثَني عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا ابنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ أُسامَةَ بنِ زَيْدٍ رَضِيَ اللهُ عَنْهُما قالَ: أشْرَفَ النَّبِيُّ ﷺ عَلى أُطُمٍ مِنْ آطامِ المَدِينَةِ ثُمَّ قالَ: «هَلْ تَرَوْنَ ما أرَى؟ إنِّي أرَى مَوَاقِعَ الفِتَنِ خِلالَ بُيُوتِكُمْ كَمَوَاقِعِ القَطْرِ». [راجع: ١٨٧٨]

2468. Narrated 'Abdullāh bin 'Abbās رَضِيَ اللهُ عَنْهُما: I had been eager to ask 'Umar رَضِيَ اللهُ عَنْهُ about the two ladies from among the wives of the Prophet ﷺ regarding whom Allāh said (in the Qur'ān saying): "If you two (wives of the Prophet ﷺ namely 'Āishah hand Ḥafṣa رَضِيَ اللهُ عَنْهُما) turn in repentance to Allāh (it will be better for you), your hearts are indeed so inclined (to oppose what the Prophet ﷺ likes)..." (V.66:4), till I performed the *Ḥajj* along with 'Umar. (And on our way back from *Ḥajj*) he went aside (to answer the call of nature) and I also went aside along with him carrying a tumbler of water. When he had answered the call of nature and returned, I poured water on his hands from the tumbler and he performed ablution. I said, "O chief of the believers!" Who were the two ladies from among the wives of the Prophet ﷺ to whom Allāh عزّ وجلّ said:

'If you two (wives of the Prophet ﷺ namely 'Āishah and Ḥafṣa رَضِيَ اللهُ عَنْهُما.) turn in repentance to Allah, (it will be better for you), your hearts are indeed so inclined (to oppose what the Prophet ﷺ likes) ...' " (V.66:4) He said, "I am astonished at your question, O Ibn 'Abbās. They were 'Āishah and Ḥafṣa رَضِيَ اللهُ عَنْهُما." Then 'Umar went on relating the narration and said, "I and an *Anṣārī* neighbour of mine from Banī Umaiyya bin Zaid who used to live in *'Awālī Al-Mādīna*, used to visit the Prophet ﷺ in turns. He used to go one day, and I another day. When I went, I would bring him the news of what had happened that day regarding the instructions and orders, and when he went, he used to do the same for me. We, the people of Quraish, used to have authority over women, but when we came to live with the *Anṣār*, we noticed that the *Anṣārī* women had the upperhand over their men, so our women started acquiring the habits of the

٢٤٦٨ - حَدَّثَنَا يَحْيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ: أَخْبَرَني عُبَيْدُ اللهِ بنُ عَبْدِ اللهِ بنِ أبي ثَوْرٍ، عَنْ عَبْدِ اللهِ بنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قالَ: لَمْ أَزَلْ حَرِيصاً عَلى أَنْ أَسْأَلَ عُمَرَ رَضِيَ اللهُ عَنْهُ عَنِ المَرْأَتَينِ مِنْ أَزْواجِ النَّبيِّ ﷺ اللَّتَينِ قالَ اللهُ لَهُما: ﴿إِن تَتُوبَآ إِلَى ٱللَّهِ فَقَدْ صَغَتْ قُلُوبُكُمَا﴾ [التحريم: ٤] فَحَجَجْتُ مَعَهُ فَعَدَلَ وعَدَلْتُ مَعَهُ بالإِدَاوَةِ فَتَبَرَّزَ حَتَّى جاءَ فَسَكَبْتُ عَلى يَدَيْهِ مِنَ الإِدَاوَةِ فَتَوَضَّأَ فَقُلْتُ: يا أَمِيرَ المُؤْمِنِينَ، مَنِ المَرْأَتانِ مِنْ أَزْوَاجِ النَّبيِّ ﷺ اللَّتانِ قالَ اللهُ عَزَّ وجَلَّ لَهُمَا: ﴿إِن تَتُوبَآ إِلَى ٱللَّهِ فَقَدْ صَغَتْ قُلُوبُكُمَا﴾؟ فَقالَ: وَاعَجَباً لكَ يا ابنَ عَبَّاسٍ، عائِشَةُ وحَفْصَةُ. ثُمَّ اسْتَقْبَلَ عُمَرُ الحَدِيثَ يَسُوقُهُ. فَقالَ: إنِّي كُنْتُ وجارٌ لي مِنَ الأَنْصَارِ في بَني أُمَيَّةَ بنِ زَيْدٍ، وهِيَ مِنْ عَوَالِي الْمَدِينَةِ، وكُنَّا نَتَنَاوَبُ النُّزُولَ عَلى النَّبيِّ ﷺ، فَيَنْزِلُ هُوَ يَوْماً وأَنْزِلُ يَوْماً. فإذَا نَزَلْتُ جِئْتُهُ مِنْ خَبَرِ ذٰلكَ اليَوْمِ مِنَ الأَمْرِ وغَيرِهِ وإذَا نَزَلَ فَعَلَ مِثْلَهُ، وكُنَّا مَعْشَرَ قُرَيْشٍ نَغْلِبُ النِّساءَ، فَلَمَّا قَدِمْنا عَلى الأَنْصارِ إذْ هُمْ قَوْمٌ تَغْلِبُهُمْ نِساؤُهُمْ فَطَفِقَ نِساؤُنا يَأْخُذْنَ مِنْ أَدَبِ نِساءِ الأَنْصارِ،

Anṣārī women. Once I shouted at my wife and she shouted back at me in return and I disliked that she should answer me back. She said, 'Why do you take it ill that I retort upon you? By Allāh, the wives of the Prophet ﷺ retort upon him, and some of them may not speak with him for the whole day till night.' What she said scared me and I said to her, 'Whoever amongst them does so, will be a great loser.' Then I dressed myself and went to Ḥafṣa and asked her, 'Does any of you keep Allāh's Messenger angry all the day long till night?' She replied in the affirmative. I said, 'She is a ruined losing person (and will never have success)! Doesn't she fear that Allāh may get angry for the anger of Allāh's Messenger ﷺ and thus she will be ruined? Don't ask Allāh's Messenger ﷺ too many things, and don't retort upon him in any case, and don't desert him. Demand from me whatever you like, and don't be tempted to imitate your neighbour (i.e., 'Āishah) in her behavior towards the Prophet ﷺ), for she (i.e., 'Āishah) is more beautiful than you, and more beloved to Allāh's Messenger ﷺ'. In those days it was rumoured that Ghassān, (a tribe living in Shām) was getting prepared their horses to invade us. My companion went (to the Prophet ﷺ) on the day of his turn, went and returned to us at night and knocked at my door violently, asking whether I was sleeping. I was scared (by the hard knocking) and came out to him. He said that a great thing had happened. I asked him: 'What is it? Have Ghassān come?' He replied that it was worse and more serious than that, and added that Allāh's Messenger ﷺ had divorced all his wives. I said, 'Ḥafṣa is a ruined loser! I expected that it would happen some day.' So I dressed myself and offered the *Fajr* (prayer) with the Prophet ﷺ. Then the Prophet ﷺ entered an upper room and

فَصِحْتُ عَلى امْرَأتي فَرَاجَعَتْنِي فأنْكَرْتُ أنْ تُرَاجِعَنِي فَقَالَتْ: ولِمَ تُنْكِرُ أنْ أُرَاجِعَكَ؟ فَوَاللهِ إنَّ أزْوَاجَ النَّبِيِّ ﷺ لَيُرَاجِعْنَهُ، وإنَّ إحْدَاهُنَّ لَتَهْجُرُهُ اليَوْمَ حتَّى اللَّيْلِ، فَأفْزَعَتْنِي فَقُلْتُ: خابَتْ مَنْ فَعَلَتْ مِنْهُنَّ بِعَظِيمٍ، ثُمَّ جَمَعْتُ عَلَيَّ ثِيابي فَدَخَلْتُ عَلى حَفْصَةَ، فَقُلْتُ: أيْ حَفْصَةُ، أتُغاضِبُ إحْدَاكُنَّ رَسُولَ اللهِ ﷺ اليَوْمَ حتَّى اللَّيْلِ؟ فقالَتْ: نَعَمْ، فَقُلْتُ: خابَتْ وخَسِرَتْ، أفَتَأْمَنُ أنْ يَغْضَبَ اللهُ لِغَضَبِ رَسُولِهِ ﷺ فتَهْلِكِينَ؟ لا تَسْتَكْثِرِي عَلى رَسُولِ اللهِ ﷺ ولا تُراجِعِيهِ في شَيْءٍ ولا تَهْجُرِيهِ، وَسَلِينِي ما بَدَا لَكِ ولا يَغُرَّنَّكِ أنْ كانَتْ جارَتُكِ هِيَ أوْضَأَ مِنْكِ وأحَبَّ إلىٰ رَسُولِ اللهِ ﷺ - يُرِيدُ عائِشَةَ - وكُنَّا تَحَدَّثْنا أنَّ غَسَّانَ تُنْعِلُ النِّعالَ لِغَزْوِنا فَنزَلَ صَاحِبِي يَوْمَ نَوْبَتِهِ فَرَجَعَ عِشاءً فَضَرَبَ بابِي ضَرْباً شَدِيداً، وقالَ: أثَمَّ هُوَ؟ فَفَزِعْتُ فَخَرَجْتُ إلَيْهِ وقالَ: حَدَثَ أمْرٌ عَظِيمٌ، قُلْتُ: ما هُوَ؟ أجاءَتْ غَسَّانُ؟ قالَ: لا، بَلْ أعْظَمُ مِنْهُ وأطْوَلُ، طَلَّقَ رَسُولُ اللهِ ﷺ نِساءَهُ. قالَ: قَدْ خابَتْ حَفْصَةُ وخَسِرَتْ، كُنْتُ أظُنُّ أنَّ هٰذَا يُوشِكُ أنْ يَكُونَ فَجَمَعْتُ عَلَيَّ ثِيابِي فَصَلَّيْتُ صَلاةَ

الفَجْرِ مَعَ النَّبِيِّ ﷺ فَدَخَلَ مَشْرُبَةً لَهُ فَاعتَزَلَ فِيها، فَدَخَلْتُ عَلى حَفْصَةَ، فإذَا هِيَ تَبْكِي، قُلْتُ: ما يُبْكِيكِ؟ أَوَ لَمْ أَكُنْ حذَّرْتُكِ؟ أَطَلَّقَكُنَّ رَسُولُ اللهِ ﷺ؟ قالَتْ: لا أدْرِي، هُوَ ذَا في المَشْرُبَةِ. فَخَرَجْتُ فَجِئْتُ المِنْبَرَ فإذَا حَوْلَهُ رَهْطٌ يَبْكي بَعْضُهُمْ فَجَلَسْتُ مَعَهُمْ قَلِيلاً، ثُمَّ غَلَبَنِي ما أَجِدُ فَجِئْتُ المَشْرُبَةَ الَّتي هُوَ فِيها فَقُلْتُ لِغلامٍ أسْوَدَ: اسْتَأذِن لِعُمَرَ. فَدَخَلَ فَكَلَّمَ النَّبِيَّ ﷺ ثُمَّ خَرَجَ فَقَالَ: ذَكَرْتُكَ لَهُ فَصَمَتَ. فانْصَرَفْتُ حتَّى جَلَسْتُ مَعَ الرَّهْطِ الَّذِينَ عِنْدَ المِنْبَرِ. ثُمَّ غَلَبَني ما أجِدُ، فَجِئْتُ فَقُلْتُ لِلْغُلامِ - فَذَكَرَ مِثْلَهُ - فَجَلَسْتُ مَعَ الرَّهْطِ الَّذِينَ عِنْدَ المِنْبرِ. ثُمَّ غَلَبَنِي مَا أَجِدُ، فَجِئْتُ الغُلامَ فَقُلْتُ: اسْتَأذِنْ لِعُمَرَ - فَذَكَرَ مِثْلَهُ - فَلَمَّا وَلَّيْتُ مُنْصَرِفاً فإذَا الغُلامُ يَدْعُوني قالَ: أذِنَ لكَ رَسُولُ اللهِ ﷺ، فَدَخَلْتُ عَلَيْهِ، فإذَا هُوَ مُضْطَجِعٌ عَلى رِمالِ حَصِيرٍ لَيْسَ بَيْنَهُ وبَيْنَهُ فِراشٌ، قَدْ أثَّرَ الرِّمالُ بِجَنْبِهِ. مُتَّكِئٌ عَلى وِسادَةٍ مِنْ أدَمٍ حَشْوُها لِيفٌ فَسَلَّمْتُ عَلَيْهِ، ثُمَّ قُلْتُ وَأَنَا قائمٌ: طَلَّقْتَ نِساءَكَ؟ فَرَفَعَ بَصَرَهُ إلَيَّ، فَقالَ: لا، ثُمَّ قُلْتُ وأنا قائمٌ أسْتَأنِسُ: يا رَسُولَ اللهِ، لَوْ رَأيْتَنِي وكُنَّا مَعْشَرَ قُرَيْشٍ نَغْلِبُ النِّساءَ، فَلَمَّا

stayed there alone. I went to Ḥafṣa and found her weeping. I asked her, 'Why are you weeping? Didn't I warn you? Have Allāh's Messenger ﷺ divorced you all?' She replied, 'I don't know. He is there in the upper room.' I then went out and came to the pulpit and found a group of people around it and some of them were weeping. Then I sat with them for some time, but could not endure the situation. So, I went to the upper room where the Prophet ﷺ was and requested to a black slave of his: 'Will you get the permission of (Allāh's Messenger) for 'Umar (to enter)?' The slave went in, talked to the Prophet ﷺ about it and came out saying, 'I mentioned you to him but he did not reply.' So, I went and sat with the people who were sitting by the pulpit, but I could not bear the situation, so I went to the slave again and said: 'Will you get the permission for 'Umar?' He went in and brought the same reply as before. When I was leaving, behold, the slave called me saying, 'Allāh's Messenger ﷺ has granted you permission.' So, I entered upon the Prophet ﷺ and saw him lying on a mat without bedding on it, and the mat had left its mark on the body of the Prophet ﷺ, and he was leaning on a leather pillow stuffed with palm fibres. I greeted him and while still standing, I said: 'Have you divorced your wives?' He raised his eyes to me and replied in the negative. And then while still standing, I said chattingly: 'Will you heed what I say, O Allāh's Messenger! We, the people of Quraish used to have the upper hand over our women (wives), and when we came to the people whose women had the upper hand over them,...' " 'Umar told the whole story (about his wife). "On that the Prophet ﷺ smiled." 'Umar further said, "I then said, 'I went to Ḥafṣa and said to her: Do not be tempted to imitate your

companion ('Āishah) for she is more beautiful than you and more beloved to the Prophet ﷺ.' The Prophet ﷺ smiled again. When I saw him smiling, I sat down and cast a glance at the room, and by Allāh, I couldn't see anything of importance but three hides. I said (to Allāh's Messenger ﷺ) 'Invoke Allāh to make your followers prosperous for the Persians and the Byzantines have been made prosperous and given worldly luxuries, though they do not worship Allāh?' The Prophet ﷺ was leaning then (and on hearing my speech he sat straight) and said, 'O Ibn Al-Khaṭṭāb! Do you have any doubt (that the Hereafter is better than this world)? These people have been given rewards of their good deeds in this world only.' I asked the Prophet ﷺ, 'Please ask Allāh's Forgiveness for me.' The Prophet ﷺ did not go to his wives because of the secret which Ḥafṣa had disclosed to 'Āishah,[1] and he said that he would not go to his wives for one month as he was angry with them when Allāh admonished him (for his oath that he would not approach Māria). When twenty-nine days had passed, the Prophet ﷺ went to 'Āishah first of all. She said to him, 'You took an oath that you would not come to us for one month, and today only twenty-nine days have passed, as I have been counting them day by day.' The Prophet ﷺ said, 'The month is also of twenty-nine days.' That month consisted of twenty-nine days. 'Āishah said, 'When the Divine Revelation of "choice" was revealed, the Prophet ﷺ started with me, saying to me, 'I am telling you something, but you needn't hurry to give the reply till you consult your

قَدِمْنا عَلى قَوْمٍ تَغْلِبُهُمْ نِساؤُهُمْ. . . فَذَكَرَهُ فَتَبَسَّمَ النَّبِيُّ ﷺ. ثُمَّ قُلْتُ: لَوْ رَأَيْتَنِي ودَخَلْتُ عَلى حَفْصَةَ فَقُلْتُ: لا يَغُرَّنَّكِ أنْ كانَتْ جارَتُكِ هِيَ أوْضَأَ مِنْكِ وأَحَبَّ إلى النَّبِيِّ ﷺ - يُرِيدُ عائِشَةَ - فَتَبَسَّمَ أُخْرَى. فَجَلَسْتُ حِينَ رَأَيْتُهُ تَبَسَّمَ ثُمَّ رَفَعْتُ بَصَرِي في بَيْتِهِ فَوَاللهِ ما رَأَيْتُ فِيهِ شَيْئاً يَرُدُّ البَصَرَ غَيرَ أَهَبَةٍ ثَلاثٍ، فَقُلْتُ: ادْعُ اللهَ فَلْيُوَسِّعْ عَلىٰ أُمَّتِكَ، فإنَّ فارِسَ والرُّومَ وُسِّعَ عَلَيهِمْ وأُعْطُوا الدُّنْيا وهُمْ لا يَعْبُدُونَ اللهَ. وكانَ مُتَّكِئاً فَقالَ: «أوَ فِي شَكٍّ أنْتَ يَا ابنَ الخَطَّابِ؟ أُولٰئِكَ قَوْمٌ عُجِّلَتْ لَهُمْ طَيِّباتُهُمْ في الحَياةِ الدُّنْيا». فَقُلْتُ: يا رَسُولَ اللهِ، اسْتَغْفِرْ لي، فاعتزَلَ النَّبِيُّ ﷺ مِنْ أَجْلِ ذٰلِكَ الحَدِيثِ حِينَ أَفْشَتْهُ حَفْصَةُ إلى عائِشَةَ وكانَ قَدْ قالَ: «مَا أَنَا بِدَاخِلٍ عَلَيهِنَّ شَهْراً» مِنْ شِدَّةِ مَوْجِدَتِهِ عَلَيهِنَّ حِينَ عاتَبَهُ اللهُ، فَلَمَّا مَضَتْ تِسْعٌ وعِشْرُونَ دَخَلَ عَلى عائِشَةَ فَبَدَأَ بِها فَقالَتْ لَهُ عائِشَةُ: إنَّكَ أقْسَمْتَ أنْ لا تَدْخُلَ عَلَيْنا شَهْراً وإنَّا أصْبَحْنا بِتِسْعٍ وعِشْرِينَ لَيلَةً أعُدُّها عَدّاً. فَقالَ النَّبِيُّ

(1) (H. 2468) The Prophet ﷺ was alone with Māria on the day that was devoted to 'Āishah. When Ḥafsa learned that, the Prophet ﷺ told her to keep that as a secret and promised that he would not come near Māria. But Ḥafṣa disclosed the secret to 'Āishah who got angry and then provoked the Prophet ﷺ who took an oath that he would desert her for one month.

parents.' 'Āishah knew that her parents would not advise her to part with the Prophet ﷺ. The Prophet ﷺ said that Allāh had said: 'O Prophet (Muḥammad ﷺ)! Say to your wives.. (up to).. an enormous reward.' (V.33:28) 'Āishah said, 'Am I to consult my parents about this? I indeed prefer Allāh, His Messenger ﷺ, and the home of the Hereafter.' After that the Prophet ﷺ gave the choice to his other wives and they also gave the same reply as 'Āishah did."

ﷺ: «الشَّهْرُ تِسْعٌ وعِشْرُونَ»، وكانَ ذٰلِكَ الشَّهْرُ تِسْعٍ وَعِشْرُونَ. قالَتْ عائِشَةُ: فأُنْزِلَتْ آيَةُ التَّخْيِيرِ فَبَدَأَ بِي أوَّلَ امْرَأَةٍ فَقالَ: «إنِّي ذَاكِرٌ لَكِ أمْراً ولا عَلَيْكِ أنْ لَا تَعْجَلي حتَّى تَسْتأْمِري أبَوَيْكِ». قالَتْ: قَدْ أعْلَمُ أنَّ أبَوَيَّ لَمْ يَكُونَا يأمُرَاني بِفِرَاقِكَ. ثُمَّ قالَ: «إنَّ اللهَ قالَ: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ قُل لِّأَزْوَٰجِكَ﴾ إلىٰ قَوْلِهِ: ﴿عَظِيمًا﴾ [الأحزاب: ٢٨-٢٩]. قُلْتُ: أَفِي هٰذَا أَسْتَأْمِرُ أَبَوَيَّ؟ فإنِّي أُرِيدُ اللهَ ورَسُولَهُ والدَّارَ الآخِرَةَ. ثُمَّ خَيَّرَ نِساءَهُ فقُلْنَ مِثْلَ ما قالَتْ عائِشَةُ. [راجع: ٨٩]

2469. Narrated Anas رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ took an oath that he would not go to his wives for one month as his foot had been sprained. He stayed in an upper room when 'Umar went to him and said, "Have you divorced your wives?" He said, "No, but I have taken an oath that I would not go to them for one month." The Prophet ﷺ stayed there for twenty-nine days, and then came down and went to his wives.

٢٤٦٩ - **حدَّثَني** ابنُ سَلامٍ: أخْبَرَنَا الفَزَارِيُّ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: آلَى رَسُولُ اللهِ ﷺ مِنْ نِسائِهِ شَهْراً وكانَتِ انْفَكَّتْ قَدَمُهُ، فَجَلَسَ في عُلِّيَّةٍ لهُ، فَجاءَ عُمَرُ فَقالَ: أطَلَّقْتَ نِساءَكَ؟ فَقالَ: «لا، ولٰكِنِّي آلَيْتُ مِنْهُنَّ شَهْراً». فمَكَثَ تِسْعاً وعِشْرِينَ ثُمَّ نَزَلَ فَدَخَلَ عَلىٰ نِسائِهِ. [راجع: ٣٧٨]

(26) CHAPTER. Whoever tied his camel at the pavement (of the mosque) or at the gate of the mosque.

(٢٦) بابٌ مَنْ عَقَلَ بَعِيرَهُ عَلى البَلَاطِ أوْ بابِ المَسْجِدِ

2470. Narrated Jābir رَضِيَ الله عَنْهُ: The Prophet ﷺ entered the mosque, and I, too, went there after tying the camel at the pavement of the mosque. I said (to the Prophet ﷺ), "This is your camel." He came out and started examining the camel and

٢٤٧٠ - **حَدَّثَنا** مُسْلِمٌ: حدَّثَنا أبُو عَقِيلٍ: حدَّثَنا أبُو المُتَوَكِّلِ النَّاجِيُّ قالَ: أتَيْتُ جابِرَ ابنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: دَخَلَ النَّبِيُّ ﷺ

المَسْجِدَ فَدَخَلْتُ إِلَيْهِ وعَقَلْتُ الجَمَلَ في ناحِيةِ البَلاطِ فَقُلْتُ: هٰذا جَمَلُكَ، فَخَرَجَ فَجَعَلَ يُطِيفُ بالجَمَلِ، قالَ: «الثَّمَنُ والجَمَلُ لكَ». [راجع: ٤٤٣]

said, "Both the camel and its price are for you."

(٢٧) **بابُ الوُقُوفِ والبَوْلِ عِنْدَ سُباطَةِ قَوْمٍ**

(27) CHAPTER. Standing and urinating at the dumps of some people.

٢٤٧١ - حَدَّثَنا سُلَيمانُ بنُ حَرْبٍ، عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، عَنْ أبي وائِلٍ، عَنْ حُذَيْفَةَ رَضِيَ اللهُ عَنْهُ قالَ: لَقَدْ رَأَيْتُ رَسُولَ اللهِ ﷺ أوْ قالَ: لَقَدْ أتَى النَّبِيُّ ﷺ سُباطَةَ قَوْمٍ فَبالَ قائِماً. [راجع: ٢٢٤]

2471. Narrated Ḥuḏhaifa رَضِيَ اللهُ عَنْهُ: I saw Allāh's Messenger ﷺ coming (or the Prophet ﷺ came) to the dumps of some people and urinated there while standing.

(٢٨) **بابُ مَنْ أخَذَ الغُصْنَ وما يُؤْذِي النَّاسَ في الطَّرِيقِ فَرَمى بِهِ**

(28) CHAPTER. (The reward of him) who removes a branch of a tree or any other thing which harms the people from the way.

٢٤٧٢ - حَدَّثَنا عَبْدُ اللهِ بْنُ يُوسُفَ، أخْبرَنا مالِكٌ، عَنْ سُمَيٍّ، عَنْ أبي صَالِحٍ عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «بَيْنَما رَجُلٌ يَمْشِي بِطَرِيقٍ وجَدَ غُصْنَ شَوْكٍ فأخَذَهُ فَشَكَرَ اللهُ لَهُ فَغَفَرَ لَهُ». [راجع: ٦٥٢]

2472. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "While a man was on the way, he found a thorny branch of a tree there on the way and removed it. Allāh thanked him for that deed and forgave him."

(٢٩) **بابٌ إذا اخْتَلَفُوا في الطَّرِيقِ المِيتاءِ - وهِيَ الرَّحْبَةُ تَكُونُ بَينَ الطَّرِيقِ - ثُمَّ يُرِيدُ أهْلُها البُنْيانَ فَتُرِكَ مِنها لِلطَّرِيقِ سَبْعَةُ أذْرُعٍ**

(29) CHAPTER. When there is a dispute about a public way and the owner of the land wishes to build (something), he should leave seven cubits for the people to pass through.

٢٤٧٣ - حَدَّثَنا مُوسَى بنُ إسْماعِيلَ: حدَّثَنا جَرِيرُ بنُ حازِمٍ،

2473. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ judged that seven cubits should be left as a public way when there was

عَنِ الزُّبَيرِ بنِ خِرِّيتٍ، عَنْ عِكْرِمَةَ، سَمِعْتُ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قَضَى النَّبِيُّ ﷺ إذَا تَشاجَرُوا في الطَّرِيقِ المِيْتَاءِ بِسَبْعَةِ أذْرُعٍ.

a dispute about the land.

(٣٠) بابُ النُّهْبَى بغيرِ إذْنِ صَاحِبِهِ

(30) CHAPTER. Robbing (taking away somebody's property publicly by force without his permission).

وقَالَ عُبادَةُ: بايَعْنَا النَّبِيَّ ﷺ أنْ لا نَنْتَهِبَ.

'Ubada said, "We gave the *Bai'a* (pledge) to the Prophet ﷺ that we would not commit robbery."

٢٤٧٤ - حَدَّثَنَا آدَمُ بنُ أبي إياسٍ: حدَّثَنا شُعْبَةُ: حدَّثَنا عَدِيُّ بنُ ثابِتٍ: سَمِعْتُ عَبْدَ اللهِ بنَ يَزِيدَ الأنْصَارِيَّ وهُوَ جَدُّهُ أبُو أُمِّهِ قالَ: نَهَى النَّبِيُّ ﷺ عَنِ النُّهْبَىٰ والمُثْلَةِ.
[راجع: ٥٥١٦]

2474. Narrated 'Abdullāh bin Yazīd Al-Anṣārī: The Prophet ﷺ forbade robbery (taking away what belongs to others by force without their permission), and also forbade mutilation (or maiming) of bodies.

٢٤٧٥ - حَدَّثَنَا سَعِيدُ بنُ عُفَيرٍ قالَ: حدَّثَني اللَّيْثُ: حدَّثَنا عُقَيْلٌ، عَنِ ابنِ شِهابٍ، عَنْ أبي بكرِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «لا يَزْنِي الزَّانِي حِينَ يَزْنِي وهُوَ مُؤْمِنٌ، ولا يَشْرَبُ الخَمْرَ حِينَ يَشْرَبُ وهُوَ مُؤْمِنٌ، وَلَا يَسْرِقُ حِيْنَ يِسْرِقُ وهو مُؤْمنٌ ولا يَنْتَهِبُ نُهْبَةً يَرْفَعُ النَّاسُ إلَيْهِ فِيها أبْصَارَهُمْ حِينَ يَنْتَهِبُها وهُوَ مُؤْمِنٌ».

2475. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "When an adulterer commits illegal sexual intercourse, then he is not a believer at the time he is committing it, and when a drinker of an alcoholic liquor drinks it, then he is not a believer at the time of drinking it, and when a thief steals, then he is not a believer at the time of stealing, and when a robber robs, and the people look at him, then he is not a believer at the time of committing robbery.

وعَنْ سَعِيدٍ وأَبِي سَلَمَةَ، عَنْ أبي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ مِثْلَهُ إلَّا النُّهْبَةَ.

قالَ الفِرَبْرِيُّ: وجَدْتُ بِخَطِّ أبي

جَعْفَر: قالَ أَبُو عَبْدِ اللهِ: تَفْسِيرُهُ أن يُنْزَعَ مِنْهُ، يُرِيدُ الْإِيمانَ. [انظر: ٥٥٧٨، ٦٧٧٢، ٦٨١٠]

(31) CHAPTER. The breaking of the cross and the killing of the pigs.

(٣١) بابٌ كَسْرِ الصَّلِيبِ وقَتْلِ الخِنْزِير

2476. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The Hour will not be established until the son of Mary [i.e., 'Iesa (Jesus) عليه السلام) descends amongst you and will judge mankind justly by the Law of the Qur'ān (as a just ruler); he will break the cross, kill the pigs, and abolish the *Jizya* tax[1]. Money will be in abundance so that nobody will accept it (as charitable gifts)." (See H. 2222)

[See *Fatḥ Al-Bārī*]

٢٤٧٦ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ: حدَّثَنا الزُّهْرِيُّ قالَ: أَخْبَرَني سَعِيدُ ابنُ المُسَيَّب سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ قالَ: «لا تَقُومُ السَّاعَةُ حتَّى يَنزِلَ فِيكُمُ ابنُ مَرْيَمَ حَكَماً مُقْسِطاً فَيَكْسِرَ الصَّلِيبَ ويَقْتُلَ الخِنزِيرَ ويَضَعَ الجِزْيَةَ ويَفِيضَ المَالُ حتَّى لا يَقْبَلَهُ أحَدٌ». [راجع: ٢٢٢٢]

(32) CHAPTER. (Is it permissible) to break the pots containing wine, or tear the leather containers holding wine? If one breaks an idol, a cross, or a drum (for amusement), or any other thing, the wood of which is useless (should one give a compensation)?

A case of a drum broken by somebody was presented to Shuraiḥ who did not impose a compensation on the person who had broken it.

(٣٢) بابٌ هَلْ تُكْسَرُ الدِّنانُ الَّتي فِيها الخَمْرُ أَوْ تُخَرَّقُ الزِّقَاقُ؟ فإنْ كَسَرَ صَنَماً أَوْ صَلِيباً أَوْ طُنْبُوراً أَوْ ما لاَ يُنْتَفَعُ بِخَشَبِه

وأُتِيَ شُرَيْحٌ في طُنْبُورٍ كُسِرَ فَلَم يَقْضِ فِيهِ بِشَيْءٍ.

2477. Narrated Salama bin Al-Akwa' رَضِيَ اللهُ عَنْهُ: On the day (the battle) of Khaibar the Prophet ﷺ saw fires being lighted. He asked, "Why are these fires being lighted?" The people replied that they were cooking the meat of donkeys. He ﷺ said, "Break the pots and throw away their contents." The people

٢٤٧٧ - حَدَّثَنَا أَبُو عاصِم الضَّحَّاكُ ابنُ مَخْلَدٍ، عَنْ يَزِيدَ بنِ أبي عُبَيْدٍ، عَنْ سَلَمَةَ بنِ الأَكْوَعِ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ رَأَى نِيراناً تُوقَدُ يَوْمَ خَيْبَرَ. قالَ: «عَلامَ تُوقَدُ هٰذِهِ

(1) (H. 2476) The *Jizya* is a tax imposed on non-Muslims who would keep their own religion rather than embrace Islām, this will not be accepted by 'Iesa (Jesus) عليه السلام, but all people will be required to embrace Islām and there will be no other alternative.

النِّيرَانُ؟» قالُوا: عَلَىٰ الحُمُرِ الإِنْسِيَّةِ، قالَ: «اكْسِرُوها وَهَرِيقُوهَا»، قالُوا: ألا نُهرِيقُها ونَغْسِلُها؟ قالَ: «اغْسِلُوا». قال أبو عَبْدِ اللهِ: كان ابنُ أبي أُوَيْسٍ يَقُولُ: الحمر الأَنَسِيَّة. [انظر: ٤١٩٦، ٥٤٩٧، ٦١٤٨، ٦٣٣١، ٦٨٩١]

said, "Shall we throw away their contents and wash the pots (rather than break them)?" He said, "Wash them."

٢٤٧٨ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ: حدَّثَنا ابنُ أبي نَجيحٍ، عَنْ مُجاهِدٍ، عَنْ أبي مَعْمَرٍ، عَنْ عَبْدِ اللهِ بنِ مَسْعُودٍ رَضِيَ اللهُ عَنْهُ قالَ: دَخَلَ النَّبِيُّ ﷺ مَكَّةَ وحَوْلَ البَيْتِ ثَلاثُمِائَةٍ وسِتُّونَ نُصُباً، فَجَعَلَ يَطْعَنُها بِعُودٍ في يَدِهِ، وجَعَلَ يَقُولُ: ﴿جَآءَ ٱلْحَقُّ وَزَهَقَ ٱلْبَٰطِلُ﴾ الآيَةَ [الإسراء: ٨١]. [انظر: ٤٢٨٧، ٤٧٢٠]

2478. Narrated 'Abdullāh bin Mas'ūd رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ entered Makkah and (at that time) there were three hundred and sixty idols around the Ka'bah. He started stabbing the idols with a stick he had in his hand and reciting:

"And say Truth (i.e., Islamic Monotheism or this Qur'ān or *Jihad* against polytheists) has come and *Bātil* (falsehood, i.e., Satan or polytheism) has vanished." (V.17:81)

٢٤٧٩ - حَدَّثَنِي إِبْرَاهِيمُ بنُ المُنْذِرِ: حدَّثَنا أَنَسُ بنُ عِياضٍ، عَنْ عُبَيْدِ اللهِ بن عُمر، عَنْ عَبْدِ الرَّحْمٰنِ بنِ القاسِمِ، عَنْ أَبِيهِ القاسِمِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّها كانَتِ اتَّخَذَتْ عَلى سَهْوَةٍ لَها سِتْراً فِيهِ تَماثِيلُ فَهَتَكَهُ النَّبِيُّ ﷺ فاتَّخَذَتْ مِنْهُ نُمْرُقَتَينِ فَكانَتا في البَيْتِ يَجْلِسُ عَلَيهِما. [انظر: ٥٩٥٤، ٥٩٥٥، ٦١٠٩]

2479. Narrated Al-Qāsim: 'Āishah رَضِيَ اللهُ عَنْها said that she hung a curtain decorated with pictures on a cupboard. The Prophet ﷺ tore that curtain and she turned it into two cushions which remained in the house for the Prophet ﷺ to sit on.

(٣٣) بابٌ مَنْ قاتَلَ دُونَ مالِهِ

(33) CHAPTER. (What is said about) one who fights to protect his property?

٢٤٨٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ

2480. Narrated 'Abdullāh bin 'Amr رَضِيَ اللهُ عَنْهُما: I heard the Prophet ﷺ saying,

يَزِيدَ: حدَّثَنا سَعِيدٌ - هُوَ ابنُ أَبي أَيُّوبَ - قالَ: حدَّثَني أبُو الأَسْوَدِ، عَنْ عِكْرِمَةَ، عَنْ عَبْدِ اللهِ بنِ عَمْرٍو رَضِيَ اللهُ عَنْهُما قالَ: سَمِعْتُ النَّبيَّ ﷺ يَقُولُ: «مَنْ قُتِلَ دُونَ مالِهِ فَهُوَ شَهِيدٌ».

"Whoever is killed while protecting his property, then he is a martyr."

(٣٤) بابٌ إذَا كَسَرَ قَصْعَةً أوْ شَيْئاً لِغَيرِهِ

(34) CHAPTER. If a person breaks a wooden bowl or something else belonging to somebody, (should he give a compensation)?

٢٤٨١ - حَدَّثَنَا مُسَدَّدٌ: حدَّثَنا يَحْيَى ابنُ سَعِيدٍ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبيَّ ﷺ كانَ عِنْدَ بَعْضِ نِسائِهِ، فأَرْسَلَتْ إحْدَى أُمَّهاتِ المُؤْمِنِينَ مَعَ خادِمٍ بِقَصْعَةٍ فِيها طَعامٌ فَضَرَبَتْ بِيَدِها فَكَسَرَتِ القَصْعَةَ فَضَمَّها وجَعَلَ فِيها الطَّعامَ. وَقالَ: «كُلُوا»، وحَبَسَ الرَّسُولَ والقَصْعَةَ حَتَّى فَرَغُوا فَدَفَعَ القَصْعَةَ الصَّحِيحَةَ وحَبَسَ المَكْسُورَةَ.

وقالَ ابنُ أبي مَرْيَمَ: أَخبرَنا يَحْيى بنُ أيُّوبَ: حدَّثَنا حُمَيْدٌ: حدَّثَنا أَنَسٌ عَنِ النَّبيِّ ﷺ. [انظر: ٥٢٢٥]

2481. Narrated Anas رَضِيَ اللهُ عَنْهُ: While the Prophet ﷺ was with one of his wives, one of the Mothers of the believers (i.e., one of his wives) sent a wooden bowl containing food with a servant. The wife (in whose house he was sitting) stroke the bowl with her hand and broke it. The Prophet ﷺ collected the shattered pieces and put the food back in it and said, "(Help yourselves and) eat." He kept the servant and the bowl till he had eaten the food. Then the Prophet ﷺ gave another unbroken bowl to the servant and kept the broken one.

(٣٥) بابٌ إذَا هَدَمَ حائِطاً فَلْيَبْنِ مِثْلَهُ

(35) CHAPTER. If one pulls down a wall, one should build a similar one in its place.

٢٤٨٢ - حَدَّثَنَا مُسْلِمُ بنُ إبْراهِيمَ: حدَّثَنا جَرِيرٌ هُو ابنُ حازِمٍ، عَنْ مُحَمَّدِ ابنِ سِيرِينَ، عَنْ أَبي هُرَيرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «كانَ رَجُلٌ في بَني إسرَائِيل

2482. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "There was an Israeli man called Juraij, while he was offering prayer, his mother came and called him, but he did not respond to her call. He said (to himself) whether he should continue the prayer or reply to his mother. She came to him the second time and called him and

يُقالُ لَهُ: جُرَيْجٌ، يُصَلِّي فَجَاءَتْهُ أُمُّهُ فَدَعَتْهُ فأبى أنْ يُجِيْبَها فَقالَ: أُجِيبُها أوْ أُصَلِّي؟ ثُمَّ أتَتْهُ فَقالَت: اللَّهُمَّ لا تُمِتْهُ حتَّى تُرِيَهُ وُجُوه المُومِسَاتِ. وكانَ جُرَيْجٌ في صَوْمَعَتِهِ فَقالَتِ امْرَأةٌ: لأَفْتِنَنَّ جُرَيْجاً، فَتَعَرَّضَتْ لَهُ فَكَلَّمَتْهُ، فأبى. فأتَتْ رَاعِياً فَأَمْكَنَتْهُ مِنْ نَفْسِها فَوَلَدَتْ غُلاماً فقالَتْ: هُوَ مِنْ جُرَيْجٍ. فأتَوْهُ وكَسَرُوا صَوْمَعَتَهُ فأنْزَلُوهُ وسَبُّوهُ، فَتَوَضَّأَ وصَلَّى ثُمَّ أتَى الغُلامَ فَقالَ: مَنْ أبُوكَ يا غُلامُ؟ قالَ: الرَّاعِي، قَالُوا: نَبْنِي صَوْمَعَتَكَ مِنْ ذَهَبٍ. قالَ: لَا، إلَّا مِنْ طِينٍ».

[راجع: ١٢٠٦]

said, 'O Allāh! Do not let him die until he sees the faces of prostitutes.' Juraij used to live in a hermitage. A woman said that she would entice Juraij, so she went to him and presented herself (for an evil act) but he refused. She then went to a shepherd and allowed him to commit an illegal sexual intercourse with her and later she gave birth to a boy. She alleged that the baby was from Juraij. The people went to Juraij and broke down his hermitage, pulled him out of it and abused him. He performed ablution and offered the prayer, then he went to the male (baby) and asked him: 'O boy! Who is your father?' The baby replied that his father was the shepherd. The people said that they would build for him a hermitage of gold but Juraij asked them to make it of mud only." (See H. 3436)

47 - THE BOOK OF PARTNERSHIP

٤٧ - كتاب الشركة

(1) CHAPTER. About (sharing) meals and the *Nahd* (i.e., sharing the expenses of a journey or putting the journey food of the travellers together to be distributed among them in equal shares) and *'Urūd* (i.e., sharing other goods).

And how to divide what can be measured or weighed i.e., without measuring or weighing it; or by measuring or weighing it.

Muslims see no harm in practising *Nahd* by which some (the partners) may eat so much, and some may eat so much of the food (without measuring or weighing it). And what about distributing gold and silver without weighing them, and about eating two dates at a time (when sharing a meal).

(١) **باب** الشَّرِكَةِ في الطَّعَامِ والنَّهْدِ والعُرُوضِ، وكَيْفَ قِسْمَةُ ما يُكالُ ويُوزَنُ مُجازَفَةً، أوْ قَبْضَةً قَبْضَةً لِمَا لَم يَرَ المُسْلِمُونَ في النَّهْدِ بأساً أنْ يأكُلَ هٰذَا بَعْضاً وهٰذَا بَعْضاً، وكذلكَ مُجازَفَةُ الذَّهَبِ والفِضَّةِ، والقِرانُ في التَّمْرِ

2483. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: "Allāh's Messenger ﷺ sent an army towards the sea coast and appointed Abū 'Ubaida bin Al-Jarrāḥ as their chief, and the army consisted of three hundred men including myself. We marched on till we reached a place where our food was about to finish. Abū 'Ubaida ordered us to collect all the journey food and it was collected. My (our) journey food was dates. Abū 'Ubaida kept on giving us our daily ration in small amounts from it, till it was exhausted. The share of everyone of us used to be one date only." I said, "How could one date benefit you?" Jābir replied, "We came to know its value when even that too finished." Jābir added, "When we reached the sea-shore, we saw a huge fish which was like a small mountain. The army ate from it for eighteen days. Then Abū 'Ubaida ordered that two of its ribs be fixed and they were fixed in the ground. Then he ordered that a she-camel be ridden and it passed under the

٢٤٨٣ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أخبرَنا مالكٌ، عَنْ وَهْبِ بنِ كَيْسَانَ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما أنَّهُ قالَ: بَعَثَ رَسُولُ اللهِ ﷺ بَعْثاً قِبَلَ السَّاحِلِ، فأمَّرَ عَلَيهِمْ أبا عُبَيْدَةَ بنَ الجرَّاحِ وهُمْ ثَلاثُمِائَةٍ وَأنَا فِيهِمْ، فَخَرَجْنا حتَّى إذا كُنَّا بِبَعْضِ الطَّرِيقِ فَنِيَ الزَّادُ. فأمَرَ أبو عُبَيْدَةَ بأزْوَادِ ذٰلكَ الجَيْشِ فَجُمِعَ ذٰلكَ كُلُّهُ، فَكانَ مِزْوَدَيْ تَمْرٍ. فَكانَ يُقَوِّتُنا كُلَّ يَوْمٍ قَلِيلاً قَلِيلاً حتَّى فَنِيَ، فَلَمْ يَكُنْ يُصِيبُنا إلَّا تَمْرَةٌ تَمْرَةٌ، فَقُلْتُ: وما تُغْني تَمْرَةٌ؟ فَقالَ: لَقَدْ وَجَدْنا فَقْدَها حِينَ فَنِيَتْ. قالَ: ثُمَّ انْتَهَينا إلى البَحْرِ فإذَا حُوتٌ مِثْلُ الظَّرْبِ

فأكَلَ مِنْهُ ذٰلِكَ الجَيْشُ ثَمانِيَ عَشْرَةَ لَيْلَةً ثُمَّ أمَرَ أبو عُبَيْدَةَ بِضِلَعَيْنِ مِنْ أضْلاعِهِ فَنُصِبا ثُمَّ أمَرَ بِراحِلَةٍ فَرُحِلَتْ ثُمَّ مَرَّتْ تَحْتَهُمَا فَلَمْ تُصِبْهُما.

[٢٩٨٣، ٤٣٦٠ - ٤٣٦٢، ٥٤٩٣، ٥٤٩٤]

two ribs (forming an arch) without touching them."

٢٤٨٤ - حَدَّثَنا بِشْرُ بنُ مَرْحُومٍ: حدَّثَنا حاتِمُ بنُ إسمَاعِيلَ، عَنْ يَزِيدَ بنِ أبي عُبَيْدٍ، عَنْ سَلَمَةَ رَضِيَ اللهُ عَنْهُ قالَ: خَفَّتْ أزْوَادُ القَوْمِ وَأمْلَقُوا فَأتَوُا النَّبِيَّ ﷺ في نَحْرِ إبِلِهِمْ فأذِنَ لَهُمْ، فَلَقِيَهُمْ عُمَرُ فأخْبَرُوهُ فَقالَ: ما بَقاؤُكُمْ بَعْدَ إبِلِكُمْ؟ فدَخَلَ عَلَى النَّبِيِّ ﷺ فَقالَ: يا رَسُولَ اللهِ، ما بَقاؤُهُمْ بَعْدَ إبِلِهِمْ؟ فَقالَ رَسُولُ اللهِ ﷺ: «نادِ في النَّاسِ يَأْتُونَ بِفَضْلِ أزْوَادِهِمْ». فَبُسِطَ لِذٰلِكَ نِطَعٌ وجَعَلُوهُ عَلَى النِّطَعِ فَقامَ رَسُولُ اللهِ ﷺ فَدَعا وبَرَّكَ عَلَيْهِ، ثُمَّ دَعَاهُمْ بأوْعِيَتِهِمْ فاحْتَثَى النَّاسُ حتَّى فَرَغُوا ثُمَّ قالَ رَسُولُ اللهِ ﷺ: «أشْهَدُ أنْ لا إلٰهَ إلَّا اللهُ وأنِّي رَسُولُ اللهِ». [انظر: ٢٩٨٢]

2484. Narrated Salama رَضِيَ الله عَنْهُ: Once the journey-food diminished and the people were reduced to poverty. They went to the Prophet ﷺ and asked his permission to slaughter their camels, and he permitted them. Umar رَضِيَ الله عَنْهُ met them and they told him about it, and he said, "How would you survive after slaughtering your camels?" Then he went to the Prophet ﷺ and said, "O Allāh's Messenger! How would they survive after slaughtering their camels?" Allāh's Messenger ﷺ ordered 'Umar, "Call upon the people to bring what has remained of their food." A leather sheet was spread and all the journey food was collected and heaped over it. Allāh's Messenger ﷺ stood up and invoked Allāh to bless it, and then directed all the people to come with their utensils, and they started taking from it till all of them got what was sufficient for them. Allāh's Messenger ﷺ then said: I testify that "*Lā ilaha illallāh* (none has the right to be worshipped but Allāh), and I am the Messenger of Allāh."

٢٤٨٥ - حَدَّثَنا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا الأوْزَاعِيّ: حدَّثَنا أبُو النَّجاشِيِّ قالَ: سَمِعْتُ رَافِعَ بنَ خَدِيجٍ رَضِيَ اللهُ عَنْهُ قالَ: «كُنَّا نُصلِّي مَعَ النَّبِيِّ ﷺ العَصْرَ فَنَنْحَرُ جَزُوراً. فَتُقْسَمُ عَشْرَ قِسَمٍ، فَنَأكُلُ لَحْماً نَضِيْجاً قَبْلَ أنْ تَغْرُبَ الشَّمْسُ».

2485. Narrated Rāfi' bin Khadīj رَضِيَ الله عَنْهُ: We used to offer the *Asr* prayer with the Prophet ﷺ and slaughter a camel, the meat of which would be divided in ten parts and we would eat the cooked meat before sunset.

2486. Narrated Abū Mūsa رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "When the people of Ash'arī tribe ran short of food during the holy battles, or the food of their families in Al-Madīna ran short, they would collect all their remaining food in one sheet and then distribute it among themselves equally by measuring it with a bowl. So, these people are from me, and I am from them."

٢٤٨٦ - حَدَّثَنَا مُحَمَّدُ بنُ العَلاءِ: حدَّثنا حَمَّادُ بنُ أسامَةَ، عَنْ بُرَيْدٍ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى قالَ: قالَ النَّبيُّ ﷺ: «إنَّ الأَشْعرِيِّينَ إذَا أَرْمَلُوا في الغَزْوِ أوْ قَلَّ طَعامُ عِيالِهِمْ بالمَدِينَةِ جَمعُوا ما كانَ عِنْدَهُمْ في ثَوْبٍ واحدٍ ثُمَّ اقْتَسَمُوهُ بَيْنَهُمْ في إناءٍ واحدٍ بالسَّوِيَّةِ، فَهُمْ مِنِّي وأنا مِنهُمْ».

(2) CHAPTER. Partners possessing joint property (sheep) have to pay its *Zakāt* equally.[1]

(٢) بابٌ ما كانَ مِنْ خَلِيطَينِ فإنَّهُمَا يَتَراجَعَانِ بَيْنَهُما بالسَّوِيَّةِ في الصَّدَقَةِ

2487. Narrated Anas that Abū Bakr Aṣ-Ṣiddīq wrote to him the law of *Zakāt* which was made obligatory by Allāh's Messenger ﷺ. He wrote: Partners possessing joint property (sheep) have to pay its *Zakāt* equally.

٢٤٨٧ - حَدَّثَنَا مُحَمَّدُ بنُ عَبْدِ اللهِ ابنِ المُثَنَّى قالَ: حدَّثَني أبي قالَ: حدَّثَني ثُمامَةُ ابنُ عَبْدِ اللهِ بنِ أنَسٍ: أنَّ أنَساً حدَّثَهُ: أنَّ أبا بَكْرٍ الصِّدِّيق رَضِيَ اللهُ عَنْهُ كَتَبَ لَهُ فَرِيضَةَ الصَّدَقَةِ الَّتي فَرَضَ رَسُولُ اللهِ ﷺ قالَ: «وما كانَ مِنْ خَلِيطَينِ فإنَّهُما يَتَرَاجَعَانِ بَيْنَهُما بالسَّوِيَّةِ».

[راجع: ١٤٤٨]

(3) CHAPTER. Division of sheep.

(٣) بابُ قِسْمَةِ الغَنَمِ

2488. Narrated 'Abāya bin Rifā'a bin Rāfi' bin Khadīj: My grandfather said, "We were in the company of the Prophet ﷺ at Dhul-Ḥulaifa. The people were struck with hunger and captured some camels and sheep (as booty). The Prophet ﷺ was behind the people. They hurried and slaughtered the animals and put their meat in pots and started cooking it. (When the Prophet ﷺ

٢٤٨٨ - حَدَّثَنَا عَليُّ بنُ الحَكَمِ الأنْصارِيُّ: حدَّثَنا أبو عَوانَةَ، عَنْ سَعِيدِ ابنِ مَسْرُوقٍ، عَنْ عَبَايَةَ بنِ رِفَاعَةَ بنِ رَافعِ ابنِ خَدِيجٍ، عَنْ جَدِّهِ قالَ: كُنَّا مَعَ النَّبيِّ ﷺ بذِي الحُلَيْفَةِ. فأصَابَ النَّاسَ جُوعٌ فأصَابُوا إبلاً

(1) (Ch. 2) Equally means: As one owner (of sheep) as regards the *Zakāt* .

وغَنَماً. قالَ: وكانَ النَّبِيُّ ﷺ في أُخْرَياتِ القَوْمِ فَعَجِلُوا وذَبَحُوا ونَصَبُوا القُدُورَ، فأمَرَ النَّبِيُّ ﷺ بالقُدُورِ فأُكْفِئَتْ. ثُمَّ قَسَمَ فَعَدَلَ عَشَرَةً مِنَ الغَنمِ بِبَعِيرٍ فَنَدَّ مِنْها بَعِيرٌ فَطَلَبُوهُ فأَعْياهُمْ. وكانَ في القَوْمِ خَيْلٌ يَسِيرَةٌ فأَهْوَى رَجُلٌ مِنْهُمْ بِسَهْمٍ فَحَبَسَهُ اللهُ. ثُمَّ قالَ: «إنَّ لِهٰذِهِ البَهائِمِ أوَابِدَ كأوَابِدِ الوَحْشِ فَما غَلَبَكُمْ مِنْها فاصْنَعُوا بِهِ هٰكَذَا»، فَقالَ جَدِّي: إنَّا نَرْجُو - أوْ نَخافُ - العَدُوَّ غَداً ولَيْسَتْ مَعَنا مُدًى، أفَنَذْبَحُ بالقَصَبِ؟ قالَ: «ما أنْهَرَ الدَّمَ، وذُكِرَ اسْمُ اللهِ عَلَيْهِ فَكُلُوهُ، لَيْسَ السِّنَّ والظُّفُرَ، وسَأُحَدِّثُكُمْ عَنْ ذٰلِكَ: أمَّا السِّنُّ فَعَظْمٌ وأمَّا الظُّفُرُ فَمُدَى الحَبَشَةِ». [انظر: ٢٥٠٧، ٣٠٧٥، ٥٤٩٨، ٥٥٠٣، ٥٥٠٦، ٥٥٠٩، ٥٥٤٣، ٥٥٤٤]

came) he ordered the pots to be upset[1] and then he distributed the animals (of the booty), regarding ten sheep as equal to one camel. One of the camels fled and the people ran after it till they were exhausted. At that time there were few horses. A man threw an arrow at the camel, and Allāh stopped the camel with it. The Prophet ﷺ said, 'Some of these animals are like wild animals, so if you lose control over one of these animals, treat it in this way (i.e., shoot it with an arrow)'."

My grandfather added, "We were afraid that we may meet the enemies in the future and have no knives; [we asked the Prophet ﷺ], 'can we slaughter the animals with reeds?'" The Prophet ﷺ said, "Use whatever causes blood to flow, and eat the animals if the Name of Allāh has been mentioned on slaughtering them. Do not slaughter with teeth or fingernails and I will tell you why: It is because teeth are bones (i.e., cannot cut properly) and fingernails are the tools used by the Ethiopians (whom we should not imitate for they are infidels)."

(٤) **بابُ القِرانِ في التَّمْرِ بَيْنَ الشُّرَكاءِ حتَّى يَسْتَأذِنَ أصحابَهُ**

(4) CHAPTER. A partner sharing a meal should not eat two dates at a time unless he gets the permission of his partner.

٢٤٨٩ - **حَدَّثَنا** خَلَّادُ بنُ يَحْيى: حدَّثَنا سُفْيانُ: حدَّثَنا جَبَلَةُ بنُ سُحَيمٍ قالَ: سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ: نَهَى النَّبِيُّ ﷺ أنْ يَقْرُنَ الرَّجُلُ بَيْنَ التَّمْرَتَيْنِ جَمِيعاً حتَّى يَسْتَأْذِنَ أصْحابَهُ». [راجع: ٢٤٥٥]

2489. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ decreed that one should not eat two dates together at a time unless he gets the permission from his companions (sharing the meal with him).

٢٤٩٠ - **حَدَّثَنا** أبُو الوَلِيدِ:

2490. Narrated Jabala: While at Al-

(1) (H. 2488) The Prophet ﷺ did not agree to their slaughtering the animals of the booty before distributing them among the soldiers.

حدَّثَنا شُعْبَةُ عَنْ جَبَلَةَ قالَ: كُنَّا بالمَدِينَةِ فأصابَتْنا سَنَةٌ فَكانَ ابنُ الزُّبَيرِ يَرْزُقُنَا التَّمْرَ. وكانَ ابنُ عُمَرَ يَمُرُّ بِنا فَيقُولُ: لا تَقْرِنُوا فإنَّ النَّبيَّ ﷺ نَهى عَنِ الأقْرانِ إلَّا أنْ يَسْتَأذِنَ الرَّجُلُ مِنْكُمْ أخاهُ. [راجع: ٢٤٥٥]

Madīna we were struck with famine. Ibn Az-Zubair used to provide us with dates as our food. Ibn 'Umar used to pass by us and say, "Don't eat two dates together at a time as the Prophet ﷺ has forbidden eating two dates together at a time (in a gathering) unless one takes the permission of one's companion brother."

(٥) بابُ تَقْوِيمِ الأشْياءِ بَينَ الشُّرَكاءِ بِقِيمَةِ عَدْلٍ

(5) CHAPTER. To get a joint property evaluated with an adequate price.

٢٤٩١ - حَدَّثَنا عِمْرَانُ بنُ مَيْسَرَةَ: حدَّثَنا عَبْدُ الوَارِثِ: حدَّثَنا أيُّوبُ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ أعْتَقَ شِقْصاً لَهُ مِنْ عَبْدٍ - أو شِرْكً أوْ قالَ: نَصِيباً - وكانَ لَهُ ما يَبْلُغُ ثَمَنَهُ بِقِيمَةِ العَدْلِ فَهُوَ عَتِيقٌ وإلَّا فَقَدْ عَتَقَ مِنْهُ ما عَتَقَ». قالَ: لا أدْرِي قَوْلُهُ: «عَتَقَ مِنْهُ ما عَتَقَ» قَوْلٌ مِنْ نافعٍ أوْ في الحَدِيثِ عَنِ النَّبيِّ ﷺ؟. [انظر: ٢٥٠٣، ٢٥٢١ - ٢٥٢٥]

2491. Narrated Nāfi': Ibn 'Umar رَضِيَ الله عَنْهما said, "Allāh's Messenger ﷺ said, 'If one manumits his share of a jointly possessed slave, and can afford the price of the other share according to the adequate price of the slave, the slave will be completely manumitted; otherwise he will be partially manumitted.'"

(Ayyūb, a subnarrator is not sure whether the saying "... otherwise he will be partially manumitted" was said by Nāfi' or the Prophet ﷺ).

٢٤٩٢ - حَدَّثَنا بِشْرُ بنُ مُحَمَّدٍ: أخْبرَنا عَبْدُ اللهِ: أخْبرَنا سَعِيدُ بنُ أبي عَرُوبَةَ، عَنْ قَتادَةَ، عَنِ النَّضْرِ بنِ أنَسٍ، عَنْ بَشِيرِ بنِ نَهِيكٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «مَنْ أعْتَقَ شَقِيصاً مِنْ مَمْلُوكِهِ فَعَلَيْهِ خَلاصُهُ في مالِهِ. فإنْ لَمْ يَكُنْ لَهُ مالٌ قُوِّمَ المَمْلُوكُ قِيمَةَ عَدْلٍ، ثُمَّ

2492. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "Whoever manumits his share of a jointly possessed slave, it is imperative for him to get that slave manumitted completely by paying the remaining price, and if he does not have sufficient money to manumit him, then the price of the slave should be estimated justly, and he (the slave) is to be allowed to work and earn the amount that will manumit him (without overburdening him)".

اسْتُسْعِيَ غَيرَ مَشْقُوقٍ عَلَيْهِ». [انظر: ٢٥٠٤، ٢٥٢٦، ٢٥٢٧]

(6) CHAPTER. Can one draw lots for divisions and shares?

(٦) بابٌ: هَلْ يُقْرَعُ في القِسْمَةِ والاسْتِهام فِيهِ؟

2493. Narrated An-Nu'mān bin Bashīr رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "The example of the person abiding by Allāh's Orders and Restrictions in comparison to those who violate them is like the example of those persons who drew lots for their seats in a ship. Some of them got seats in the upper part, and the others in the lower. When the latter needed water, they had to go up to bring water (and that troubled the others), so they said, 'Let us make a hole in our share of the ship (and get water) saving those who are above us from trouble. So, if the people in the upper part left the others do what they had intended, all of them would be perished, but if they prevented them (from doing so), both parties would be saved."

٢٤٩٣ - حَدَّثَنَا أَبُو نُعَيم: حدَّثَنا زَكَرِيَّا قالَ: سَمِعْتُ عامراً يَقُولُ: سَمِعْتُ النُّعْمَانَ ابنَ بَشِيرٍ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ قالَ: «مَثَلُ القَائِمِ عَلى حُدُودِ اللهِ والوَاقِعِ فِيها كمَثَلِ قَوْمٍ اسْتهَمُوا عَلى سَفِينَةٍ، فأصَابَ بَعْضُهُمْ أعْلاهَا وبَعْضُهُمْ أسْفَلَها، فَكانَ الَّذِينَ في أسْفَلِها إذَا اسْتَقَوْا مِنَ المَاءِ مَرُّوا عَلى مَنْ فَوْقَهُمْ فَقَالُوا: لَوْ أنَّا خَرَقْنا في نَصِيبِنا خَرْقاً وَلَمْ نُؤْذِ مَنْ فَوْقَنا، فإنْ يَتْرُكُوهُمْ ومَا أرَادُوا هَلَكُوا جَمِيعاً، وإنْ أخَذُوا عَلىٰ أيْدِيهِمْ نَجَوْا ونَجَوْا جَمِيعاً». [انظر: ٢٦٨٦]

(7) CHAPTER. The partnership of orphans and other inheritors.

(٧) بابُ شَرِكَةِ اليَتِيمِ وأهْلِ المِيْرَاثِ

2494. Narrated 'Urwa bin Az-Zubair that he had asked 'Āishah رَضِيَ اللهُ عَنها about the meaning of the Statement of Allāh تعالى:

"And if you fear that you shall not be able to deal justly... (up to)... or four..." (V.4:3)

She said, "O my nephew! This is about the orphan girl who lives with her guardian and shares his property. Her wealth and beauty may tempt him to marry her without giving her an adequate *Mahr* (bridal-money) which might have been given by another suitor. So, such guardians were forbidden to marry such

٢٤٩٤ - حَدَّثَنَا عَبْدُ العَزيزِ بنُ عبدِ اللهِ العَامِرِيُّ الأُوَيْسِيُّ: حدَّثَنا إبْرَاهِيمُ بنُ سَعْدٍ، عَنْ صَالِحٍ، عَنِ ابنِ شِهابٍ قَالَ: أخْبَرَني عُرْوَةُ أنَّهُ سَأَلَ عائِشَةَ رَضِيَ اللهُ عَنْهَا. وقالَ اللَّيْثُ: حدَّثَني يُونُسُ عَنِ ابنِ شِهابٍ قالَ: أخْبَرَني عُرْوَةُ بنُ الزُّبَيرِ أنَّهُ سَألَ عائِشَةَ رَضِيَ اللهُ عَنْها عَنْ قَوْلِ اللهِ

تَعالى: ﴿وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا﴾ إلى قَوْلِهِ: ﴿وَرُبَٰعَ﴾ [النساء: ٣] فَقالَتْ: يا ابْنَ أُخْتِي، هيَ اليَتِيمَةُ تَكُونُ في حَجْرِ وَلِيِّها تُشارِكُهُ في مالِهِ فَيُعْجِبُهُ مالُهَا وجَمَالُها فَيُرِيدُ ولِيُّها أنْ يَتزَوَّجَها بِغَيرِ أنْ يُقْسِطَ في صَدَاقِها فَيُعْطِيها مِثْلَ ما يُعْطِيها غَيْرُهُ، فَنُهُوا أنْ يَنْكِحُوهُنَّ إلَّا أنْ يُقْسِطُوا لَهُنَّ ويَبْلُغُوا بِهِنَّ أعْلَى سُنَّتِهِنَّ مِنَ الصَّدَاقِ، وأُمِرُوا أنْ يَنْكِحُوا مَا طَابَ لَهُمْ مِنَ النِّساءِ سِوَاهُنَّ. قالَ عُرْوَةُ: قالَتْ عائِشَةُ: ثُمَّ إنَّ النَّاسَ اسْتَفْتَوْا رَسُولَ الله ﷺ بَعْدَ هٰذِهِ الآيَةِ فأَنْزَلَ اللهُ: ﴿وَيَسْتَفْتُونَكَ فِى ٱلنِّسَآءِ﴾ إلى قَوْلِهِ: ﴿وَتَرْغَبُونَ أَن تَنكِحُوهُنَّ﴾ [النساء: ١٢٧] والَّذِي ذَكَرَ اللهُ أنَّهُ يُتْلَى عَلَيكُمْ في الكِتابِ الآيَةُ الأُولى الَّتي قالَ فِيها: ﴿وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِى ٱلْيَتَٰمَىٰ فَٱنكِحُوا مَا طَابَ لَكُم مِّنَ ٱلنِّسَآءِ﴾ قالَتْ عائِشَةُ: وقَوْلُ اللهِ في الآيَةِ الأُخْرَى: ﴿وَتَرْغَبُونَ أَن تَنكِحُوهُنَّ﴾ هِيَ رَغْبَةُ أحَدِكُمْ يَتِيمَتَهُ الَّتي تَكُونُ في حَجْرِهِ حِينَ تَكُونُ قَلِيلَةَ المَالِ والْجَمَالِ، فَنُهُوا أنْ يَنْكِحُوا ما رَغِبُوا في مالِها وجَمالِها مِنْ يَتامَى النِّساءِ إلَّا بالقِسْطِ مِنْ أجْلِ رَغْبَتِهِمْ عَنهُنَّ. [انظر: ٢٧٦٣، ٤٥٧٣، ٤٥٧٤، ٤٦٠٠، ٥٠٦٤، ٥٠٩٢، ٥٠٩٨، ٥١٢٨، ٥١٣١، ٥١٤٠، ٦٩٦٥]

orphan girls unless they treated them justly and gave them the most suitable *Mahr* ; otherwise they were ordered to marry any other woman." 'Āishah further said, "After that Verse the people again asked the Prophet ﷺ (about the marriage with orphan girls), so Allāh تعالى revealed the following Verses:

'They ask your legal instruction concerning women... (up to)... and yet whom you desire to marry...' (V.4:127)

What is meant by Allāh's Saying:

'And about what is recited unto you' is the former Verse which goes:

'And if you fear that you shall not be able to deal justly with the orphan girls, then marry (other) women of your choice...'

'Āishah رَضِيَ الله عَنها said, "Allāh's Saying in the other Verse:

'...Yet whom you desire to marry...' means the desire of the guardian to marry an orphan girl under his supervision when she has not much property or beauty (in which case he should treat her justly). The guardians were forbidden to marry the orphan girls under their care possessing property and beauty without being just to them, as they generally refrain from marrying them (when they are neither beautiful nor wealthy)."

(8) CHAPTER. Sharing land, etc.

(٨) **باب** الشَّرِكَةِ في الأَرَضِيْنَ وغيرِها

2495. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ established the right of *Shuf'a* (i.e., pre-emption) in joint properties; but when the land is divided and the ways are demarcated, then there is no pre-emption.

٢٤٩٥ - **حدَّثَنا** عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا هِشامٌ: أخْبَرَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ أبي سَلَمَةَ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما، قالَ: إنَّما جَعَلَ النَّبِيُّ ﷺ الشُّفْعَةَ في كُلِّ مَا لَمْ يُقْسَمْ. فإذَا وقَعَتِ الحُدُودُ وصُرِّفَتِ الطُّرُقُ فَلا شُفْعَةَ. [راجع: ٢٢١٣]

(9) CHAPTER. If partners divide the houses, etc., none of them has the right of backing out or the right of pre-emption.

(٩) **باب** إذَا قَسَمَ الشُّرَكاءُ الدُّورَ وَغَيرَها فَلَيْسَ لَهُمْ رُجوعٌ ولا شُفْعَةٌ

2496. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "The right of pre-emption is valid in every joint property, but when the land is divided and the way is demarcated, then there is no right of pre-emption."

٢٤٩٦ - **حَدَّثَنا** مُسَدَّدٌ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ أبي سَلَمَةَ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: قَضَى النَّبِيُّ ﷺ بالشُّفْعَةِ في كُلِّ ما لَمْ يُقْسَمْ، فإذَا وقَعَتِ الحُدُودُ وصُرِّفَتِ الطُّرُقُ فَلا شُفْعَةَ. [راجع: ٢٢١٣]

(10) CHAPTER. Sharing gold, silver and other articles used in money exchange.

(١٠) **باب** الاشْتِرَاكِ في الذَّهَبِ والفِضَّةِ وما يَكُونُ فِيهِ الصَّرْفُ

2497, 2498. Narrated Sulaimān bin Abū Muslim: I asked Abū Minhāl about money exchange from hand to hand. He said, "I and a partner of mine bought something partly in cash and partly on credit." Al-Barā' bin 'Āzib passed by us and we asked about it. He replied, "I and my partner Zaid bin Al-Arqam did the same and then went to the Prophet ﷺ and asked him about it. He ﷺ said, 'Take what was from hand to hand and leave what was on credit.'"

٢٤٩٧، ٢٤٩٨ - **حَدَّثَني** عَمْرُو بنُ عَلِيٍّ: حدَّثَنا أبُو عَاصِمٍ، عَنْ عُثمانَ يَعْنِي ابنَ الأَسْوَدِ قالَ: أخْبَرَني سُلَيمانُ ابنُ أَبِي مُسْلِمٍ قالَ: سَأَلْتُ أَبَا المِنْهالِ عَنِ الصَّرْفِ يَداً بِيَدٍ فَقالَ: اشْتَرَيْتُ أنا وشَرِيكٌ لي شَيْئاً يَداً بِيَدٍ ونَسِيئَةً، فَجَاءَنا البَرَاءُ بنُ

عازِبٍ فَسَأَلْناهُ فقالَ: فَعَلْتُ أَنَا وشَرِيكِي زَيْدُ بنُ أَرْقَمَ وسَأَلْنا النَّبِيَّ ﷺ عَنْ ذٰلكَ، فَقالَ: «ما كانَ يَداً بِيَدٍ فَخُذُوهُ، وما كانَ نَسِيئَةً فرُدُّوهُ».

[راجع: ٢٠٦٠، ٢٠٦١]

(11) CHAPTER. Partnership with a *Dhimmī* (A Jew or a Christian under the protection of a Muslim Government and *Al-Mushirkūn* (polytheists, idolaters, pagans) in share-cropping.

(١١) بابُ مُشارَكَةِ الذِّمِّيِّ والمُشْرِكِينَ في المُزارَعَةِ

2499. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ rented the land of Khaibar to the Jews on the condition that they would work on it and cultivate it and take half of its yield.

٢٤٩٩ - حَدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثنا جُوَيْرِيَةُ بنُ أسماءَ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: أَعْطَى رَسُولُ اللهِ ﷺ خَيْبَرَ اليَهُودَ أنْ يَعْمَلُوها ويَزْرَعُوها ولَهُم شَطْرُ ما يَخْرُجُ مِنْها. [راجع: ٢٢٨٥]

(12) CHAPTER. Distribution of sheep and dividing them justly.

(١٢) بابُ قِسْمَةِ الغَنَمِ والعَدْلِ فِيها

2500. Narrated 'Uqba bin 'Āmir رَضِيَ اللهُ عَنْهُ that Allāh's Messenger ﷺ gave him some sheep to distribute among his companions in order to sacrifice them and a kid was left. He told the Prophet ﷺ about it and the Prophet ﷺ said to him, "Sacrifice it on your behalf."

٢٥٠٠ - حَدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا اللَّيْثُ، عَنْ يَزِيدَ بنِ أَبي حَبِيبٍ، عَنْ أبي الخَيرِ، عَنْ عُقْبَةَ بنِ عامِرٍ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ أعْطاهُ غَنَماً يَقْسِمُها عَلىٰ صَحابَتِهِ ضَحايا فَبَقِيَ عَتُودٌ فَذَكَرَهُ لِرَسُولِ اللهِ ﷺ فَقالَ: «ضَحِّ بِهِ أَنْتَ».

[راجع: ٢٣٠٠]

(13) CHAPTER. The sharing of food, etc.

(١٣) بابُ الشَّرِكَةِ في الطَّعامِ وغَيرِهِ

It is said that a man offered some price for something and another man signalled him to buy it. When 'Umar noticed that, he

ويُذْكَرُ أنَّ رَجُلاً ساوَمَ شَيْئاً فَغَمَزَهُ آخَرُ فَرَأَى عُمَرُ أنَّ لَهُ شَرِكَةً.

considered the second man as a partner of the first.

2501, 2502. Narrated 'Abdullāh bin Hishām, that his mother Zainab bint Humaid took him to the Prophet ﷺ and said, "O Allāh's Messenger! Take the *Bai'a* (pledge) from him." But he said, "He is still too young for the pledge," and passed his hand on his (i.e., 'Abdullāh's) head and invoked for Allāh's Blessing for him. Zuhra bin Ma'bad stated that he used to go with his grandfather, 'Abdullāh bin Hishām, to the market to buy foodstuff. Ibn 'Umar and Ibn Az-Zubair would meet him and say to him, "Be our partner, as the Prophet ﷺ invoked Allāh to bless you." So, he would be their partner, and very often he would win a camel's load and send it home.

٢٥٠١، ٢٥٠٢ - **حَدَّثَنا** أَصْبَغُ بنُ الفَرَجِ قالَ: أَخْبَرَنِي عَبْدُ اللهِ بنُ وَهْبٍ قالَ: أَخْبَرَنِي سَعِيدٌ، عَنْ زُهْرَةَ بنِ مَعْبَدٍ، عَنْ جَدِّهِ عَبْدِ اللهِ بنِ هِشَامٍ وكانَ قَدْ أَدْرَكَ النَّبِيَّ ﷺ وذَهَبَتْ بِهِ أُمُّهُ زَيْنَبُ بِنْتُ حُمَيْدٍ إِلَىٰ رَسُولِ اللهِ ﷺ فَقالَتْ: يا رَسُولَ اللهِ، بايِعْهُ، فَقالَ: «هُوَ صَغِيرٌ»، فَمَسَحَ رَأْسَهُ ودَعا لَهُ. وعَنْ زُهْرَةَ بنِ مَعْبَدٍ أَنَّهُ كانَ يَخْرُجُ بِهِ جَدُّهُ عَبْدُ اللهِ بنُ هِشَامٍ إِلَى السُّوقِ فَيَشْتَرِي الطَّعامَ فَيَلْقاهُ ابنُ عُمَرَ وابنُ الزُّبَيْرِ فيَقُولانِ لَهُ: أَشْرِكْنا، فإِنَّ النَّبِيَّ ﷺ قَدْ دَعا لَكَ بِالْبَرَكَةِ فَيَشْرَكُهُمْ، فَرُبَّما أَصابَ الرَّاحِلَةَ كما هِيَ فَيَبْعَثُ بِها إِلَى المَنْزِلِ. [الحديث: ٢٥٠١، انظر: ٧٢١٠؛ [الحديث: ٢٥٠٢، انظر: ٦٣٥٣]

(14) CHAPTER. Sharing the slaves.

(١٤) **بابُ الشَّرِكَةِ في الرَّقِيقِ**

2503. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "Whoever manumits his share of a jointly possessed slave, it is imperative on him to manumit the slave completely if he has sufficient money to pay the rest of its price which is to be estimated justly. He should pay his partners their shares and release him."

٢٥٠٣ - **حَدَّثَنا** مُسَدَّدٌ: حدَّثَنا جُوَيْرِيَةُ بنُ أَسماءَ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ قالَ: «مَنْ أَعْتَقَ شِرْكاً لَهُ في مَمْلُوكٍ وجَبَ عَلَيْهِ أَنْ يُعْتِقَ كُلَّهُ إِنْ كانَ لَهُ مالٌ قَدْرَ ثَمَنِهِ يُقامُ قِيمَةَ عَدْلٍ، ويُعْطَى شُرَكاؤُهُ حِصَّتَهُمْ ويُخَلَّى سَبِيلُ المُعْتَقِ». [راجع: ٢٤٩١]

2504. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever manumits his share of a jointly possessed slave, it is essential for him to manumit the slave completely if he has sufficient money. Otherwise he should look for some work for the slave (to earn what would enable him to emancipate himself), without overburdening him with work."

٢٥٠٤ - حَدَّثَنَا أَبُو النُّعْمَانِ: حدَّثَنا جَرِيرُ بْنُ حازِمٍ، عَنْ قَتادَةَ، عَنِ النَّضْرِ ابنِ أَنَسٍ، عَنْ بَشِيرِ بنِ نَهِيكٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «مَنْ أَعْتَقَ شِقْصاً في عَبْدٍ أُعْتِقَ كُلُّهُ إنْ كانَ لَهُ مالٌ وإلَّا يُسْتَسعَ غيرَ مَشْقُوقٍ عَلَيْهِ».

[راجع: ٢٤٩٢]

(15) CHAPTER. Sharing the *Hady* and *Budn*. (Is it permissible for one) to share the *Hady* with somebody else after it has been slaughtered?

(١٥) بابُ الاشْتِرَاكِ في الْهَدْيِ والبُدْنِ، وإذَا أَشْرَكَ الرَّجُلُ رَجُلاً في هَدْيِهِ بَعْدَ ما أَهْدَى

2505, 2506. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ (along with his companions) reached Makkah in the morning of the fourth of Dhul-Ḥijjah assuming *Ihrām* for *Ḥajj* only. So when we arrived at Makkah, the Prophet ﷺ ordered us to change our intentions of the *Iḥrām* for *'Umra* and that we could finish our *Iḥrām* after performing the *'Umra* and could go to our wives (for sexual intercourse). The people began talking about that[1]. Jābir said surprisingly, "Shall we go to Mina while semen is dribbling from our male organs?"[2] Jābir moved his hand while saying so. When this news reached the Prophet ﷺ he delivered a *Khuṭba* (religious talk) and said, "I have been informed that some people were saying so-and-so. By Allāh I fear Allāh more than you do, and am more obedient to Him than you. If I had known what I know now, I would not have brought

٢٥٠٥، ٢٥٠٦ - حَدَّثَنَا أَبُو النُّعْمانِ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ: أَخبرَنا عَبْدُ المَلِكِ بنُ جُرَيْجٍ، عَنْ عَطاءٍ، عَنْ جابِرٍ وعَنْ طاوُسٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالا: قَدِمَ النَّبِيُّ ﷺ صُبْحَ رابِعَةٍ مِنْ ذِي الحَجَّةِ مُهِلِّينَ بالحَجِّ لا يَخْلِطُهُمْ شَيْءٌ، فَلَمَّا قَدِمْنا أَمَرَنا فَجَعَلْناها عُمْرَةً وأَنْ نَحِلَّ إلى نِسائِنا، فَفَشَتْ في ذٰلكَ القالَةُ. -قالَ عَطاءٌ فقالَ جابِرٌ-: فَيَرُوحُ أَحَدُنا إلى مِنًى وذَكَرُهُ يَقْطُرُ مَنِيًّا، - فَقالَ جابِرٌ بِكَفِّهِ - فَبَلَغَ ذٰلكَ النَّبِيَّ ﷺ فَقامَ خَطِيباً فَقالَ: «بَلَغَنِي أَنَّ أَقْواماً يَقُولونَ كذَا وكذَا،

(1) (H. 2505) People thought that it was sinful to perform *'Umra* during the months of *Ḥajj*, so when the Prophet ﷺ ordered them to perform *'Umra* with *Ḥajj* (i.e., *Ḥajj-at-Tamattu'*), they were astonished.

(2) (H. 2505) Jābir thought that it would be inconvenient to assume *Iḥrām* for *Ḥajj* and go to Mina shortly after having had sexual relation with one's wife.

والله لأنا أبرُّ وأتقى لله منهم، ولو أني استقبلت من أمري ما استدبرت، ما أهديت ولولا أن معي الهدي لأحللت. فقام سراقة بن مالك بن جعشم فقال: يا رسول الله، هي لنا أو للأبد؟ فقال: «لا، بل للأبد». قال: وجاء علي بن أبي طالب فقال: أحدهما يقول: لبيك بما أهل به رسول الله ﷺ، وقال الآخر: لبيك بحجة رسول الله ﷺ، فأمر النبي ﷺ أن يقيم على إحرامه وأشركه في الهدي. [راجع: ١٠٨٥، ١٥٥٧]

the *Hady* (sacrifice) with me and had the *Hady* not been with me, I would have finished the *Ihrām*." At that, Surāqa bin Mālik stood up and asked, "O Allāh's Messenger! Is this permission for us only or is it forever?" The Prophet ﷺ replied, "It is forever." In the meantime 'Alī bin Abī Tālib came from Yemen and was saying *Labbaik* for what the Prophet ﷺ has intended. (According to another man, 'Alī was saying *Labbaik* for *Hajj* similar to Allāh's Messenger ﷺ). The Prophet ﷺ told him to keep on the *Ihrām* and let him share the *Hady* with him.

(١٦) باب من عدل عشرة من الغنم بجزور في القسم

(16) CHAPTER. Whoever regarded ten sheep as equal to one camel in distribution.

٢٥٠٧ - حدثني محمد: أخبرنا وكيع، عن سفيان، عن أبيه، عن عباية ابن رفاعة، عن جده رافع بن خديج رضي الله عنه قال: كنا مع النبي ﷺ بذي الحليفة من تهامة فأصبنا غنماً وإبلاً فعجل القوم فأغلوا بها القدور، فجاء رسول الله ﷺ فأمر بها فأكفئت ثم عدل عشرة من الغنم بجزور. ثم إن بعيراً منها ند وليس في القوم إلا خيل يسيرة، فرماه رجل فحبسه بسهم فقال رسول الله ﷺ: «إن لهذه البهائم أوابد كأوابد الوحش. فما غلبكم منها

2507. Narrated 'Abāya bin Rifā'a: My grandfather, Rāfi' bin Khadīj رضي الله عنه said, "We were in the valley of Dhul-Hulaifa of Tihāma in the company of the Prophet ﷺ and had some camels and sheep (of the booty). The people hurried (in slaughtering the animals) and put their meat in the pots and started cooking. Allāh's Messenger ﷺ came and ordered them to upset the pots, and distributed the booty considering one camel as equal to ten sheep. One of the camels fled and the people had only a few horses, so they got worried. (The camel was chased and) a man stopped the camel by throwing an arrow at it. Allāh's Messenger ﷺ said, 'Some of these animals are untamed like wild animals, so if anyone of them went out of your control, then you should treat it as you have done now.'" My grandfather said, "O Allāh's Messenger! We fear that we

may meet our enemy tomorrow and we have no knives, could we slaughter the animals with reeds?" The Prophet ﷺ said, "Yes, or you can use what would make blood flow (slaughter) and you can eat what is slaughtered and the Name of Allāh is mentioned at the time of slaughtering. But don't use teeth or fingernails (in slaughtering). I will tell you why, as for teeth, they are bones, and fingernails are used by Ethiopians for slaughtering."

[See *Ḥadīth* No. 2488]

فاصْنَعُوا بِهِ هٰكَذَا، قالَ: قالَ جَدِّي: يا رَسُولَ اللهِ، إنَّا نَرْجُو وَنَخافُ أنْ نَلْقَى العَدُوَّ غَداً ولَيْسَ مَعَنا مُدًى، أفَنَذْبَحُ بالقَصَبِ؟ قَالَ: «اعْجَلْ أوْ أَرْنِي ما أنْهَرَ الدَّمَ وذُكِرَ اسْمُ اللهِ عَلَيْهِ فَكُلُوا، لَيْسَ السِّنَّ والظُّفُرَ. وسَأُحَدِّثُكُمْ عَنْ ذٰلِكَ، أمَّا السِّنُّ فَعَظْمٌ، وأمَّا الظُّفُرُ فمُدَى الحَبَشَةِ».

[راجع: ٢٤٨٨]

48 – THE BOOK OF MORTGAGING IN PLACES OCCUPIED BY SETTLED POPULATION (TOWNS, CITIES, ETC.)

٤٨ - كتاب الرَّهْنِ

(1) CHAPTER. The mortgaging in places occupied by settled population and the Statement of Allāh تعالى:
"And if you are on a journey and cannot find a scribe, then let there be a pledge taken (i.e., mortgaging)..." (V.2:283)

2508. Narrated Anas رَضِيَ اللهُ عَنْهُ: No doubt, the Prophet ﷺ mortgaged his armour for barley grains. Once, I took barley bread with some dissolved fat on it to the Prophet ﷺ and I heard him saying, "The household of Muḥammad (ﷺ) did not possess except a *Ṣā'* (of food grain, barley, etc.) for both the morning and the evening meals, although they were nine houses."

(١) بابٌ في الرَّهْنِ في الحَضَرِ وَقولِ اللهِ عَزَّ وجَلَّ: ﴿وَإِن كُنتُمْ عَلَىٰ سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهَٰنٌ مَّقْبُوضَةٌ﴾ [البقرة: ٢٨٣]

٢٥٠٨ - حَدَّثَنا مُسْلِمُ بنُ إبْراهِيمَ: حدَّثَنا هِشامٌ، حدَّثَنا قتادَةُ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: ولَقَدْ رَهَنَ رَسُولُ اللهِ ﷺ دِرْعَهُ بِشَعِيرٍ ومَشَيْتُ إلى النَّبِيِّ ﷺ بِخُبزِ شَعِيرٍ وإهالَةٍ سَنِخَةٍ، ولَقَدْ سَمِعْتُهُ يقُولُ: «ما أصْبَحَ لآلِ مُحَمَّدٍ ﷺ إلَّا صَاعٌ ولا أمْسَى، وإنَّهُمْ لَتِسْعَةُ أبْياتٍ».

[راجع: ٢٠٦٩]

(2) CHAPTER. Mortgaging an armour.

2509. Narrated 'Āishah رَضِيَ اللهُ عَنْها: The Prophet ﷺ bought some foodstuff on credit for a limited period and mortgaged his armour for it.

(٢) بابُ مَنْ رَهَنَ دِرْعَهُ

٢٥٠٩- حَدَّثَنا مُسَدَّدٌ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا الأعْمَشُ قالَ: تَذَاكَرْنا عِنْدَ إبْراهِيمَ الرَّهْنَ والقَبِيلَ في السَّلَفِ، فَقالَ إبْراهِيمُ: حدَّثَنا الأسْوَدُ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أنَّ النَّبِيَّ ﷺ اشْتَرَى مِنْ يَهُودِيٍّ طَعَاماً إلى أجَلٍ ورَهَنَهُ دِرْعَهُ.

[راجع: ٢٠٦٨]

(3) CHAPTER. Mortgaging the arms.

2510. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Who would kill Ka'b bin Al-Ashraf as he has

(٣) بابُ رَهْنِ السِّلاحِ

٢٥١٠ - حَدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ: قالَ عَمْرٌو:

سَمِعْتُ جابِرَ ابنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ لِكَعْبِ بنِ الأشْرَفِ؟ فإنَّهُ آذَى اللهَ ورَسُولَهُ ﷺ». فَقالَ مُحَمَّدُ بنُ مَسْلَمَةَ: أنا، فأتاهُ فَقالَ: أرَدْنا أنْ تُسْلِفَنا وَسْقاً أوْ وَسْقَيْنِ، فَقالَ: ارْهَنُوني نِساءَكُمْ. قالُوا: كَيْفَ نَرْهَنُكَ نِساءَنا وأنْتَ أجمَلُ العَرَبِ؟ قالَ: فارْهَنُوني أبْناءَكُمْ، قالُوا: كَيْفَ نَرْهَنُكَ أبْناءَنا فَيُسَبُّ أحَدُهُمْ فَيُقالُ: رُهِنَ بِوَسْقٍ أوْ وَسْقَيْنِ؟ هٰذا عارٌ عَلَيْنا، ولكِنَّا نَرْهَنُكَ اللَّأْمَةَ - قالَ سُفْيانُ: يَعْني السِّلاحَ - فَوَعَدَهُ أنْ يَأتِيَهُ فَقَتَلُوهُ ثُمَّ أتَوُا النَّبِيَّ ﷺ فأخْبَرُوهُ. [انظر: ٣٠٣١، ٣٠٣٢، ٤٠٣٧]

harmed Allāh and His Messenger ﷺ?" Muḥammad bin Maslama (got up and) said, "I will kill him." So, Muḥammad bin Maslama went to Ka'b and said, "I want a loan of one or two *Wasq* of foodgrains." Ka'b said, "Mortgage your women to me." Muḥammad bin Maslama said, "How can we mortgage our women, and you are the most handsome among the Arabs?" He said, "Then mortgage your sons to me." Muḥammad said, "How can we mortgage our sons, as the people will abuse them for being mortgaged for one or two *Wasq* of foodgrains? It is shameful for us. But we will mortgage our arms to you." So, Muḥammad bin Maslama promised him that he would come to him next time. They (Muḥammad bin Maslama and his companions) came to him as promised and murdered him. Then they went to the Prophet ﷺ and told him about it.

(٤) بابٌ الرَّهْنُ مَرْكُوبٌ ومَحْلُوبٌ

وقالَ مُغِيرَةُ عَنْ إبْرَاهِيمَ: تُرْكَبُ الضَّالَّةُ بِقَدْرِ عَلَفِها، وتُحْلَبُ بِقَدْرِ عَلَفِها، والرَّهْنُ مِثْلُهُ.

٢٥١١ - حَدَّثَنا أبُو نُعَيمٍ: حدَّثَنا زَكَرِيَّا، عَنْ عامِرٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ أنَّهُ كانَ يَقُولُ: «الرَّهْنُ يُرْكَبُ بِنَفَقَتِهِ، ويُشْرَبُ لَبَنُ الدَّرِّ إذَا كانَ مَرْهُوناً». [انظر: ٢٥١٢]

(4) CHAPTER. It is permissible to mortgage an animal used for riding or milking.

Mughira narrated that Ibrāhīm said: One can ride and milk the lost animal in proportion to the amount of food one gives to it; this is valid also for mortgaged animals.

2511. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "One can ride the mortgaged animal because of what one spends on it, and one can drink the milk of a milch animal as long as it is mortgaged."

٢٥١٢ - حَدَّثَنا مُحَمَّدُ بنُ مُقاتِلٍ: أخبرنا عَبْدُ اللهِ بنُ المُبارَكِ:

2512. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The mortgaged animal can be used for riding as long as it is

أخْبرنا زَكَرِيَّا، عَنِ الشَّعْبِيِّ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «الظَّهْرُ يُرْكَبُ بِنَفَقَتِهِ إذَا كانَ مَرْهُوناً، ولَبَنُ الدَّرِّ يُشْرَبُ بِنَفَقَتِهِ إذَا كانَ مَرْهُوناً. وعَلى الَّذِي يَرْكَبُ ويَشْرَبُ النَّفَقَةُ». [راجع: ٢٥١١]

fed; and the milk of the milch animal can be drunk according to what one spends on it. The one who rides the animal or drinks its milk should provide the expenditures."

(٥) بابُ الرَّهْنِ عِنْدَ اليهُودِ وغَيرِهِمْ

(5) CHAPTER. Mortgaging things to Jews and others.

٢٥١٣ - حَدَّثَنَا قُتَيْبَةُ: حدَّثنا جَرِيرٌ، عَنِ الأعْمَشِ، عَنْ إبْرَاهِيمَ، عَنِ الأسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: اشْتَرَى رَسُولُ اللهِ ﷺ مِنْ يَهُودِيٍّ طَعَاماً ورَهَنَهُ دِرْعَهُ. [راجع: ٢٠٦٨]

2513. Narrated 'Āishah رَضِيَ الله عَنها: Allāh's Messenger ﷺ bought some foodstuff from a Jew and mortgaged his armour to him.

(٦) بابٌ إذَا اخْتَلَفَ الرَّاهِنُ والمُرْتَهِنُ ونَحْوُهُ فالبَيِّنَةُ عَلى المُدَّعِي، واليَمِينُ عَلى المُدَّعَى عَلَيْهِ

(6) CHAPTER. If a dispute arises between the mortgagor and mortgagee, a proof is to be provided by the plaintiff, otherwise the defendant has to take an oath (if he insists on denying the plaintiff's claim).

٢٥١٤ - حَدَّثَنَا خَلَّادُ بنُ يَحْيىٰ: حدَّثَنا نافِعُ بنُ عُمَرَ، عَنِ ابنِ أبي مُلَيْكَةَ قالَ: كَتَبْتُ إلَى ابنِ عَبَّاسٍ فكَتَبَ إلَيَّ: أنَّ النَّبِيَّ ﷺ قَضَى أنَّ اليَمِينَ عَلى المُدَّعَى عَلَيْهِ. [انظر: ٢٦٦٨، ٤٥٥٢]

2514. Narrated Ibn Abū Mulaika: I wrote a letter to Ibn 'Abbās and he wrote to me that the Prophet ﷺ had given the verdict that the defendant had to take an oath.

٢٥١٥، ٢٥١٦ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ أبي وَائِلٍ قالَ: قالَ عَبْدُ اللهِ رَضِيَ اللهُ عَنْهُ: مَنْ حَلَفَ عَلى يَمِينٍ

2515, 2516. Narrated Abū Wā'il: 'Abdullāh (bin Mas'ūd) رَضِيَ الله عَنْهُ said, "Whoever took a false oath in order to grab somebody's property will meet Allāh while Allāh will be angry with him." Allāh revealed the following Verse to confirm that:

"Verily, those who purchase a small gain at the cost of Allāh's Covenant and their oaths, (to)... painful torment." (V.3:77)

Al-Ash'ath bin Qais came to us and asked as to what Abū Abdur-Raḥmān (i.e., Ibn Mas'ūd) was telling us." We related the story to him. On that he said, "He has told the truth. This Verse was revealed about me. I had some dispute with another man regarding a well and we took the case before Allāh's Messenger ﷺ. Allāh's Messenger ﷺ said (to me), 'Produce two witnesses (to support your claim); otherwise the defendant has the right to take an oath (to refute your claim).' I said, 'The defendant would not mind to take a false oath.' Allāh's Messenger ﷺ then said, 'Whoever took a false oath in order to grab someone else's property will meet Allāh, and Allāh will be angry with him.' Allāh then revealed what confirmed it." Al-Ash'ath then recited the following Verse:

"Verily, those who purchase a small gain at the cost of Allāh's Covenant, and their oaths... (to)... they shall have a painful torment!" (V.3:77)

[See *Ḥadīth* No.2356, 2357]

يَسْتَحِقُّ بِها مالاً وهُوَ فِيها فاجِرٌ لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبانُ ثُمَّ أَنْزَلَ اللهُ تَصْدِيقَ ذٰلكَ ﴿إِنَّ ٱلَّذِينَ يَشْتَرُونَ بِعَهْدِ ٱللَّهِ وَأَيْمَـٰنِهِمْ ثَمَنًا قَلِيلًا﴾ فَقَرَأَ إلى ﴿عَذَابٌ أَلِيمٌ﴾ [آل عمران: ٧٧] ثُمَّ إِنَّ الأَشْعَثَ بنَ قَيْسٍ خَرَجَ إِلَيْنا فَقالَ: ما يُحَدِّثُكُمْ أَبُو عَبْدِ الرَّحْمٰنِ؟ قالَ: فَحدَّثْناهُ، قالَ: فَقالَ: صَدَقَ، لَفِيَّ نَزَلَتْ، كانَتْ بَيني وبَينَ رَجُلٍ خُصُومَةٌ في بِئْرٍ فاخْتَصَمْنا إِلىٰ رَسُولِ اللهِ ﷺ فَقالَ رَسُولُ اللهِ ﷺ: «شاهِدَاكَ أَوْ يَمِينُهُ». قُلْتُ: إِنَّهُ إِذاً يَحْلِفَ ولا يُبالي، فَقالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ عَلى يَمِينٍ يَسْتَحِقُّ بِها مالاً وهُوَ فِيْها فاجِرٌ، لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبَانُ»، ثُمَّ أَنْزَلَ اللهُ تَصْدِيقَ ذٰلكَ، ثُمَّ اقْتَرَأَ هٰذِهِ الآيَةَ ﴿إِنَّ ٱلَّذِينَ يَشْتَرُونَ بِعَهْدِ ٱللَّهِ وَأَيْمَـٰنِهِمْ ثَمَنًا قَلِيلًا﴾ إلى ﴿وَلَهُمْ عَذَابٌ أَلِيمٌ﴾ [آل عمران: ٧٧]. [راجع: ٢٣٥٦، ٢٣٥٧]

49 - THE BOOK OF MANUMISSION (OF SLAVES)

٤٩ - كتاب العتق

(1) CHAPTER. What is said regarding the manumission and its superiority

And the Statement of Allāh تعالى:

"(It is) freeing a neck (slave). Or giving food in a day of hunger (famine), to an orphan near of kin.'... (V.90:13-15)

2517. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever frees a Muslim slave, Allāh will save all the parts of his body from the (Hell) Fire as he has manumitted the body-parts of the slave."

Sa'īd bin Marjāna said that he narrated that *Hadīth* to 'Alī bin Al-Husain رَضِيَ اللهُ عَنْهُما and he manumitted his slave for whom 'Abdullāh bin Ja'far had offered him ten thousand Dirham or one thousand Dīnār.

(١) بابٌ في العِتْقِ وفَضْلِهِ

وقَوْلِهِ تَعالَى: ﴿فَكُّ رَقَبَةٍ ۝١٣ أَوْ إِطْعَٰمٌ فِي يَوْمٍ ذِي مَسْغَبَةٍ ۝١٤ يَتِيمًا ذَا مَقْرَبَةٍ ۝١٥﴾ [البلد: ١٣ - ١٥].

٢٥١٧ - حَدَّثَنا أَحْمَدُ بنُ يُونُسَ: حدَّثَنا عاصِمُ بنُ مُحَمَّدٍ، قالَ: حدَّثَني وَاقِدُ بنُ مُحَمَّدٍ قالَ: حدَّثَني سَعِيدُ بنُ مَرْجانَةَ صَاحِبُ عَلِيِّ بنِ الحُسَيْنِ قالَ: قالَ لي أبو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: قالَ النَّبِيُّ ﷺ: «أَيُّما رَجُلٍ أَعْتَقَ امرءاً مُسْلِماً اسْتَنْقَذَ اللهُ بِكُلِّ عُضْوٍ مِنْهُ عُضْواً مِنَ النَّارِ». قالَ سَعِيدُ بن مَرْجانَةَ: فانْطَلَقْتُ بِهِ إلى عَلِيِّ بنِ الحُسَيْنِ فَعَمَدَ عَلِيُّ بنُ الحُسَيْنِ رَضِيَ اللهُ عَنْهُما إلى عَبْدٍ لَهُ قَدْ أَعْطاهُ بِهِ عَبْدُ اللهِ بنُ جَعْفَرٍ عَشَرَةَ آلافِ دِرْهَمٍ، أَوْ أَلْفَ دِينارٍ فأَعْتَقَهُ.

[انظر: ٦٧١٥]

(2) CHAPTER. What is the best kind of manumission (of slaves)?

2518. Narrated Abū Dhar رَضِيَ اللهُ عَنْهُ: I asked the Prophet ﷺ, "What is the best deed?" He replied, "To believe in Allāh and to fight for His Cause." I then asked, "What is the best kind of manumission (of slaves)?" He replied, "The manumission of the most expensive slave and the most beloved by his master." I said, "If I cannot afford to do that?" He said, "Help the weak or do good

(٢) بابٌ: أَيُّ الرِّقابِ أَفْضَلُ؟

٢٥١٨ - حَدَّثَنا عُبَيْدُ اللهِ بنُ مُوسَى، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ أَبِي مُرَاوِحٍ، عَنْ أَبِي ذَرٍّ رَضِيَ اللهُ عَنْهُ قالَ: سَأَلْتُ النَّبِيَّ ﷺ: أَيُّ العَمَلِ أَفْضَلُ؟ قالَ: «إيمانٌ باللهِ وجِهادٌ في سبيله». قُلْتُ: فأَيُّ

for a person who cannot work for himself." I said, "If I cannot do that?" He said, "Refrain from harming others for this will be regarded as a charitable deed for your own good."

الرِّقابِ أفْضَلُ؟ قالَ: «أعْلاها ثَمَناً وأنْفَسُها عِنْدَ أهْلِها». قُلْتُ: فإنْ لَمْ أفْعَلْ؟ قالَ: «تُعِينُ ضائعًا أو تَصْنَعُ لأخْرَقَ». قالَ: فإنْ لَمْ أفْعَلْ؟ قالَ: «تَدَعُ النَّاسَ مِنَ الشَّرِّ فإنَّها صَدَقَةٌ تَصَدَّقُ بِها عَلى نَفْسِكَ».

(3) CHAPTER. Manumitting slaves at the time of eclipses, or on the appearance of some other signs of Allāh, is recommended.

(٣) بابٌ ما يُسْتَحَبُّ مِنَ العَتاقَةِ في الكُسُوفِ أوَ الآياتِ

2519. Narrated Asmā' bint Abū Bakr رَضِيَ اللهُ عَنْهما: The Prophet ﷺ ordered us to manumit slaves at the time of solar eclipses.

٢٥١٩ - **حَدَّثَنا** مُوسَى بنُ مَسْعُودٍ: حدَّثَنا زَائِدَةُ بنُ قُدَامَةَ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ فاطِمَةَ بِنْتِ المُنْذِرِ، عَنْ أسْماءَ بِنْتِ أبي بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَتْ: أمَرَ النَّبِيُّ ﷺ بالعَتاقَةِ في كُسُوفِ الشَّمْسِ.

[راجع: ٨٦]

تابَعَهُ عَلِيٌّ، عَنِ الدَّرَاوَرْدِيِّ، عَنْ هِشامٍ.

2520. Narrated Asmā' bin Abū Bakr رَضِيَ اللهُ عَنْهما: We were ordered to manumit slaves at the time of lunar eclipses.

٢٥٢٠ - **حَدَّثَنا** مُحَمَّدُ بنُ أبي بَكْرٍ: حدَّثَنا عَثَّامٌ: حدَّثَنا هِشامٌ، عَنْ فاطِمَةَ بِنْتِ المُنْذِرِ، عَنْ أسْماءَ بِنْتِ أبي بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَتْ: كُنّا نُؤْمَرُ عِنْدَ الخُسُوفِ بالعَتاقَةِ.

[راجع: ٨٦]

(4) CHAPTER. If one manumits a male slave owned by two persons or a female slave owned by a number of partners.

(٤) بابٌ إذا أعْتَقَ عَبْداً بَيْنَ اثْنَيْنِ أوْ أمَةً بَيْنَ الشُّرَكاءِ

2521. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "Whoever manumits a slave owned by two masters, should manumit him completely (not partially) if he is rich after having its price evaluated."

٢٥٢١ - **حَدَّثَنا** عليُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ، عَنْ عَمْرٍو، عَنْ سالِمٍ، عَنْ أبِيهِ رَضِيَ اللهُ عَنْهُ عَنِ

النَّبِيِّ ﷺ قالَ: «مَنْ أعْتَقَ عَبْداً بَيْنَ اثْنَيْنِ فإنْ كانَ مُوسِراً قُوِّمَ عَلَيْهِ ثُمَّ يُعْتَقُ». [راجع: ٢٤٩١]

٢٥٢٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ قال: أخْبرَنا مالكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ قالَ: «مَنْ أعْتَقَ شِرْكاً لَهُ في عَبْدٍ فَكانَ لَهُ مالٌ يَبْلُغُ ثَمَنَ العَبْدِ قُوِّمَ العَبْدُ عَلَيهِ قِيمَةَ عَدْلٍ فَأعْطَى شُرَكاءَهُ حِصَصَهُمْ وعَتَقَ عَلَيْهِ العَبْدُ، وإلَّا فَقَدْ عَتَقَ مِنْهُ ما عَتَقَ». [راجع: ٢٤٩١]

2522. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Whoever manumits his share of a jointly possessed slave and he has sufficient money to manumit him completely, should let its price be estimated by a just man and give his partners the price of their shares and manumit the slave; otherwise (i.e., if he has not sufficient money) he manumits the slave partially."

٢٥٢٣ - حَدَّثَنَا عُبَيْدُ بنُ إسْماعِيلَ؛ عَنْ أبي أُسامَةَ، عن عُبَيْدِ اللهِ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ أعْتَقَ شِرْكاً لَهُ في مَمْلُوكٍ فَعَلَيْهِ عِتْقُهُ كُلُّهُ إنْ كانَ لَهُ مالٌ يَبْلُغُ ثَمَنَهُ، فإنْ لَمْ يَكُنْ لَهُ مالٌ يُقَوَّمُ عَلَيْهِ قِيمَةَ عَدْلٍ على المُعْتِقِ فأُعْتِقَ مِنْهُ ما أعْتَقَ». [راجع: ٢٤٩١]

حَدَّثَنا مُسَدَّدٌ: حدَّثَنا بِشْرٌ، عَنْ عُبَيْدِ اللهِ اخْتَصَرَهُ.

2523. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "Whoever manumits his share of a jointly possessed slave, then it is essential for him to get that slave manumitted completely as long as he has the money to do so. If he has not sufficient money to pay the price of the other shares (after the price of the slave is evaluated justly), the manumitter manumits the slave partially in proportion to his share.

٢٥٢٤ - حَدَّثَنَا أبُو النُّعمانِ: حدَّثَنا حَمَّادٌ، عَنْ أيُّوبَ، عَنِ نافعٍ، عَنْ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ قالَ: «مَنْ أعْتَقَ نَصِيباً لَهُ في مَمْلُوكٍ أوْ شِرْكاً لَهُ في عَبْدٍ فَكانَ

2524. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "He who manumits his share and has money sufficient to free the remaining portion of that slave's price (justly estimated) then he should manumit him (by giving the rest of his price to the other co-owners)."

Nāfi' added, "Otherwise the slave is

لَهُ مِنَ المَالِ ما يَبْلُغُ قِيمَتُهُ بِقِيمَةِ العَدْلِ فَهُوَ عَتِيقٌ». قالَ نافِعٌ: «وإلَّا فَقَدْ عَتَقَ مِنْهُ ما أعْتَقَ. قالَ أيُّوبُ: لا أدْرِي أشَيْءٌ قالَهُ نافِعٌ، أوْ شَيْءٌ في الحَدِيثِ.

partially free." Ayyūb is not sure whether the last statement was said by Nāfi' or it was a part of the *Hadīth*.

٢٥٢٥ - حَدَّثَنا أحْمَدُ بنُ مِقْدَامٍ: حدَّثَنا الفُضَيْلُ بنُ سُلَيْمانَ: حدَّثَنا مُوسَى ابنُ عُقْبَةَ: أخْبَرَنِي نَافِعٌ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّهُ كانَ يُفْتِي في العَبْدِ أوِ الأمَةِ يَكُونُ بَيْنَ الشُّرَكَاءِ فَيُعْتِقُ أحَدُهُمْ نَصِيبَهُ مِنْهُ، يَقُولُ: قَدْ وَجَبَ عَلَيْهِ عِتْقُهُ كُلِّهِ إذَا كانَ لِلَّذِي أعْتَقَ مِنَ المَالِ ما يَبْلُغُ، يُقَوَّمُ مِنْ مالِهِ قِيْمَةَ العَدْلِ، ويُدْفَعُ إلى الشُّرَكاءِ أنْصِبَاؤُهُمْ، ويُخَلَّى سَبِيلُ المُعْتَقِ، يُخْبِرُ ذلكَ ابنُ عُمَرَ عَنِ النَّبِيِّ ﷺ.

ورَوَاهُ اللَّيْثُ وابنُ أبي ذِئْبٍ وابنُ إسْحَاقَ وجُوَيْرِيَةُ ويَحْيى بنُ سَعِيدٍ وإسْماعِيلُ بنُ أُمَيَّةَ عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ النَّبِيِّ ﷺ مُخْتَصَراً. [راجع: ٢٤٩١]

2525. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما that he used to give his verdict regarding the male or female slaves owned by more than one master, one of whom may manumit his share of the slave. Ibn 'Umar used to say in such a case, "The manumitter should manumit the slave completely if he has sufficient money to pay the rest of the price of that slave (which is to be justly estimated) and the other share-holders are to take the price of their shares and the slave is freed (released from slavery)." Ibn 'Umar narrated this verdict from the Prophet ﷺ.

(٥) بابٌ إذَا أعْتَقَ نَصِيباً في عَبْدٍ وَلَيْسَ لَهُ مالٌ اسْتُسْعِيَ العَبْدُ غَيْرَ مَشْقُوقٍ عَلَيْهِ عَلى نَحْوِ الكِتابَةِ

(5) CHAPTER. Whoever manumits his portion of a common slave and does not possess enough money to manumit him completely, then that slave should be helped to work without hardship to earn what will enable him to get complete freedom according to the writing (of emancipation).

٢٥٢٦ - حدَّثَني أحْمَدُ بنُ أبي

2526. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ that the Prophet ﷺ said, "Whoever

رَجاءٍ: حدَّثَنا يَحْيى بنُ آدَمَ: حدَّثَنا جَرِيرُ ابنُ أبي حازِمٍ قالَ: سَمِعْتُ قَتادَةَ قالَ: حدَّثَني النَّضْرُ بنُ أنَسِ بنِ مالكٍ، عَنْ بَشِيرِ بنِ نَهِيكٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبيُّ ﷺ: «مَنْ أعْتَقَ شَقِيصاً مِنْ عَبْدٍ...». [راجع: ٢٤٩٢]

manumits his portion of a (jointly possessed) slave..."

٢٥٢٧ - وَحَدَّثَنا مُسَدَّدٌ: حدَّثَنا يَزِيدُ ابنُ زُرَيْعٍ: حدَّثَنا سَعِيدٌ، عَنْ قَتادَةَ، عَنِ النَّضْرِ بنِ أنَسٍ، عَنْ بَشِيرِ بنِ نَهِيكٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبيَّ ﷺ قالَ: «مَنْ أعْتَقَ نَصِيباً أوْ شَقِيصاً في مَمْلُوكٍ فَخَلاصُهُ عَلَيْهِ في مالِهِ إنْ كانَ لَهُ مالٌ، وَإلَّا قُوِّمَ عَلَيْهِ فاسْتُسْعِيَ بِهِ غَيرَ مَشْقُوقٍ علَيْهِ». [راجع: ٢٤٩٢]

تابَعَهُ حَجَّاجُ بنُ حَجَّاجٍ وأبانُ وَمُوسَى بنُ خَلَفٍ عَنْ قَتادَةَ، اخْتَصَرَهُ شُعْبَةُ.

2527. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "Whoever manumits his portion of a common slave should manumit the slave completely by paying the rest of his price from his money if he has enough money; otherwise the price of the slave is to be estimated and the slave is to be helped to work without hardship till he pays the rest of his price."

(٦) بابُ الخَطَإ والنِّسْيانِ في العَتاقَةِ والطَّلاقِ ونَحْوِهِ، وَلا عَتاقَةَ إلَّا لِوَجْهِ اللهِ تعالى

وقالَ النَّبيُّ ﷺ: «لِكُلِّ امْرِئٍ ما نَوى»، وَلانِيَّةَ لِلنَّاسِي والمُخْطِئِ.

(6) CHAPTER. What is said about manumission and divorce by mistake or by forgetfulness. Manumission of slave should be for Allāh's sake only.

The Prophet ﷺ said, "Everybody will get the reward according to what he has intended." Doing things by forgetfulness or by mistake is not regarded as intentional action.

٢٥٢٨ - حَدَّثَنا الحُمَيْدِيُّ: حدَّثَنا سُفْيانُ: حدَّثَنا مِسْعَرٌ، عَنْ قَتادَةَ، عَنْ زُرارَةَ بنِ أوْفى، عَنْ أبي هُرَيْرَةَ رَضِيَ

2528. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "Allāh has accepted my invocation to forgive what whispers in the hearts of my followers, unless they put it to action or utter it." (See *Ḥadīth* No.6664 Vol.8)

اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ ﷺ: «إنَّ اللهَ تَجاوَزَ لي عَنْ أُمَّتِي ما وَسْوَسَتْ بِهِ صُدُورُها ما لَمْ تَعْمَلْ أوْ تَكَلَّمْ».

[انظر: ٥٢٦٩، ٦٦٦٤]

2529. Narrated 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "The (reward of) deeds depends on intentions, and every person will get the reward according to what he has intended. So, whoever emigrates for Allāh and His Messenger, then his emigration will be for Allāh and His Messenger, and whoever emigrates for worldly benefits or for a woman to marry then his emigration will be for what he emigrated for."

[See Vol. 1, *Ḥadīth* No.1]

٢٥٢٩ - حَدَّثَنا مُحَمَّدُ بنُ كَثِيرٍ عَنْ سُفْيانَ: حدَّثَنا يَحْيى بنُ سَعِيدٍ، عَنْ مُحَمَّدِ بنِ إبْراهِيمَ التَّيْمِيِّ، عَنْ عَلْقَمَةَ بنِ وَقَّاصٍ اللَّيْثِيِّ قالَ: سَمِعْتُ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «الأعْمالُ بالنِّيَّةِ ولامْرِئٍ ما نَوَى، فَمَنْ كانَتْ هِجْرَتُهُ إلى اللهِ وَرَسُولِهِ، فَهِجْرَتُهُ إلى اللهِ وَرَسُولِهِ، وَمَنْ كانَتْ هِجْرَتُهُ إلَى دُنْيا يُصِيبُها أوِ امْرأةٍ يَتَزَوَّجُها فَهِجْرَتُهُ إلى ما هاجَرَ إلَيْهِ». [راجع: ١]

(7) CHAPTER. If somebody says to his slave that he is for Allāh; and by that he intends to manumit him (the slave is manumitted). And the witness for manumission.

(٧) بابٌ إذَا قالَ لِعَبْدِهِ: هُوَ للهِ، وَنَوى العِتْقَ، وَالإشْهادُ بِالعِتْقِ

2530. Narrated Qais رَضِيَ اللهُ عَنْهُ: When Abū Hurairah accompanied by his slave set out intending to embrace Islām they lost each other on the way. The slave then came while Abū Hurairah was sitting with the Prophet ﷺ. The Prophet ﷺ said, "O Abū Hurairah! Your slave has come back." Abū Hurairah said, "Indeed, I would like you to witness that I have manumitted him." That happened at the time when Abū Hurairah recited (the following poetic verse):

'What a long tedious tiresome night!

Nevertheless, it has delivered us from the land of *Kufr* (disbelief).'

٢٥٣٠ - حَدَّثَنا مُحَمَّدُ بنُ عَبْدِ اللهِ ابنِ نُمَيْرٍ، عَنْ مُحَمَّدِ بنِ بِشْرٍ، عَنْ إسْماعِيلَ، عَنْ قَيْسٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّهُ لَمَّا أقْبَلَ يُرِيدُ الإسْلامَ وَمَعَهُ غُلامُهُ ضَلَّ كُلُّ وَاحِدٍ مِنْهُما مِنْ صَاحِبِهِ فأقْبَلَ بَعْدَ ذلكَ وَأبو هُرَيْرَةَ جالِسٌ مَعَ النَّبِيِّ ﷺ فَقالَ النَّبِيُّ ﷺ: «يا أبا هُرَيْرَةَ، هذا غُلامُكَ قَدْ أتاكَ». فَقالَ: أما إنِّي أُشْهِدُكَ أنَّهُ حُرٌّ، قالَ فَهُوَ حِينَ

يَقُولُ:

يا لَيْلَةً مِنْ طُولِهَا وَعَنائِها

عَلى أنَّها مِنْ دارَةِ الكُفرِ نَجَّتِ

[انظر: ٢٥٣١، ٢٥٣٢، ٤٣٩٣]

٢٥٣١ - حَدَّثَنَا عُبَيْدُ اللهِ بنُ سَعِيدٍ: حدَّثنا أبو أسامَةَ: حدَّثنا إسْماعِيلُ، عَنْ قَيْسٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: لَمَّا قَدِمْتُ عَلى النَّبيِّ ﷺ قُلْتُ في الطَّرِيقِ:

يا لَيْلَةً مِنْ طُولِهَا وَعَنائِهَا

عَلى أنَّها مِنْ دارَةِ الكُفرِ نَجَّتِ

قالَ: وَأبَقَ مِنِّي غُلامٌ لي في الطَّرِيقِ، قالَ: فَلَمَّا قَدِمْتُ عَلى النَّبيِّ ﷺ فَبايَعْتُهُ فَبَيْنا أنا عِنْدَهُ إذْ طَلَعَ الغُلامُ فَقالَ لي رَسُولُ اللهِ ﷺ: «يا أبا هُرَيْرَةَ هٰذا غُلامُكَ»، فَقُلْتُ: هُوَ حُرٌّ لِوَجْهِ اللهِ، فَأعْتَقَهُ.

قال أبُو عَبْدِ اللهِ: لَمْ يَقُلْ أبُو كُرَيْبٍ عَنْ أبي أُسامَةَ: حُرٌّ.

[راجع: ٢٥٣٠]

2531. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: On my way to the Prophet ﷺ I was reciting:

'What a long tedious tiresome night!

Nevertheless, it has delivered us from the land of *Kufr* (disbelief).'

I had a slave who ran away from me on the way. When I went to the Prophet ﷺ and gave the *Bai'a* (pledge) for embracing Islām, the slave showed up while I was still with the Prophet ﷺ who remarked, "O Abū Hurairah! Here is your slave!" I said, "I manumit him for Allāh's sake," and so I manumitted him.

٢٥٣٢ - حَدَّثَني شِهابُ بنُ عَبَّادٍ: حدَّثنا إبْراهِيمُ بنُ حُمَيْدٍ، عَنْ إسْماعِيلَ، عَنْ قَيْسٍ قالَ: لَمَّا أقْبَلَ أبُو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ وَمَعَهُ غُلامُهُ وَهُوَ يَطْلُبُ الإسْلامَ فَضَلَّ أحَدُهُما صاحِبَهُ، بِهٰذا وَقالَ: أما إنِّي أُشْهِدُكَ أنَّهُ لله. [راجع: ٢٥٣٠]

2532. Narrated Qais: When Abū Hurairah رَضِيَ اللهُ عَنْهُ accompanied by his slave came intending to embrace Islām, they lost each other on the way. (When the slave showed up) Abū Hurairah said (to the Prophet ﷺ), "I make you witness that the slave is free for Allāh's Cause."

(٨) **بابُ أُمِّ الوَلَدِ**

(8) CHAPTER. ***Umm Al-Walad*** **(i.e., a slave woman who begets a child for her master).**

قالَ أبو هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ: «مِنْ أَشْرَاطِ السَّاعَةِ أَنْ تَلِدَ الأَمَةُ رَبَّها».

Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "One of the portents of the approaching of the Hour is that the slave woman will beget her own master."

٢٥٣٣ - حَدَّثَنا أَبُو اليمانِ: أَخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: حَدَّثَني عُرْوَةُ ابنُ الزُّبَيرِ أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كان عُتْبَةُ بنُ أبي وقَّاصٍ عَهِدَ إلى أخِيهِ سَعْدِ بنِ أبي وقَّاصٍ أَنْ يقْبضَ إلَيْهِ ابنَ ولِيدَةِ زَمْعَةَ. قالَ عُتْبَةُ: إنَّهُ ابْني، فَلَمَّا قَدِمَ رَسُولُ اللهِ ﷺ زَمنَ الفَتْحِ أخَذَ سَعْدٌ ابنَ ولِيدَةِ زَمْعَةَ فأَقْبَلَ بِهِ إلى رَسُولِ اللهِ ﷺ وأَقْبَلَ مَعَهُ بِعَبْدِ بنِ زَمْعَةَ فَقالَ سَعْدٌ: يا رَسُولَ اللهِ، هذا ابنُ أخِي عَهِدَ إلَيَّ أَنَّهُ ابْنُهُ، فَقالَ عَبْدُ بْنُ زَمْعَةَ: يا رَسُولَ اللهِ، هذا أخِي ابنُ زَمْعَةَ وُلِدَ عَلى فِراشِهِ، فَنَظَرَ رَسُولُ اللهِ ﷺ إلى ابنِ ولِيدَةِ زَمْعَةَ فإذَا هُوَ أَشْبَهُ النَّاسِ بِهِ، فَقالَ رَسُولُ اللهِ ﷺ: «هُوَ لكَ يا عَبْدُ بنَ زَمْعَةَ»، مِنْ أَجْلِ أَنَّهُ وُلِدَ عَلى فِراشِ أبِيهِ. قالَ رَسُولُ اللهِ ﷺ: «احْتَجِبي مِنْهُ يا سَوْدَةُ بِنْتَ زَمْعَةَ»، مِمَّا رَأى مِنْ شَبهِهِ بِعُتْبَةَ، وكانَتْ سَوْدَةُ زَوْجَ النَّبِيِّ ﷺ.

[راجع: ٢٠٥٣]

2533. Narrated 'Āishah رَضِيَ اللهُ عَنْها: 'Utba bin Abī Waqqāṣ authorized his brother Sa'd bin Abī Waqqāṣ to take the son of the slave-girl of Zam'a into his custody, telling him that the boy was his own (illegal) son. When Allāh's Messenger ﷺ went (to Makkah) at the time of the conquest, Sa'd took the son of the slave-girl of Zam'a to Allāh's Messenger ﷺ and also brought 'Abd bin Zam'a with him and said, "O Allāh's Messenger! This is the son of my brother 'Utba, who authorized me to take him into my custody." 'Abd bin Zam'a said, "O Allāh's Messenger! He is my brother, the son of Zam'a's slave-girl and he was born on his bed." Allāh's Messenger ﷺ casted a glance at the son of the slave-girl of Zam'a and noticed much resemblance (to 'Utba). Allāh's Messenger ﷺ said, "It is for you, O 'Abd bin Zam'a as he was born on the bed of your father." Allāh's Messenger ﷺ then said to Sauda bint Zam'a: "Screen yourself O Sauda bint Zam'a from him (the boy)," as he noticed the boy's resemblance to 'Utba and Sauda was the wife of the Prophet ﷺ. (See H. 4303).

(٩) بابُ بَيْعِ المُدبَّرِ

(9) CHAPTER. The selling of a *Mudabbar* (i.e., the slave who is declared by his master to be manumitted after his master's death).

٢٥٣٤ - حَدَّثَنا آدَمُ بنُ أبي

2534. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: A man amongst us declared that his

إياسٍ: حدَّثنا شُعْبَةُ: حدَّثنا عَمْرُو بنُ دِينارٍ: سَمِعْتُ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهما قالَ: أعْتَقَ رَجُلٌ مِنَّا عَبْداً لَهُ عَنْ دُبُرٍ فَدَعا النَّبِيُّ ﷺ فَباعَهُ. قالَ جابِرٌ: ماتَ الغُلامُ عامَ أوَّلَ. [راجع: ٢١٤١]

slave would be manumitted after his death. The Prophet ﷺ called for that slave and sold him(1). The slave died the same year.

(١٠) **بابُ بَيْعِ الوَلاءِ وهِبَتِهِ**

(10) CHAPTER. The selling and conferring on others of the *Walā'* of a manumitted slave.(2)

٢٥٣٥ - **حَدَّثَنَا** أبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ قالَ: أخْبرَني عَبْدُ اللهِ بنُ دِينارٍ قالَ: سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ الوَلاءِ وعَنْ هِبَتِهِ. [انظر: ٦٧٥٦]

2535. Narrated Ibn 'Umar رَضِيَ الله عَنْهُما: Allāh's Messenger ﷺ forbade the selling or conferring on others of the *Walā'* of a manumitted slave.

٢٥٣٦ - **حَدَّثَنَا** عُثمانُ بنُ أبي شَيْبَةَ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إبْرَاهِيمَ، عَنِ الأسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَت: اشْتَرَيْتُ بَرِيرَةَ فاشْتَرَطَ أهْلُها ولاءَها، فذَكَرْتُ ذٰلِكَ لِلنَّبِيِّ ﷺ فَقالَ: «أعْتِقِيها فإنَّ الوَلاءَ لِمَنْ أعْطَى الوَرِقَ» فأعْتَقْتُها، فَدَعاها النَّبِيُّ ﷺ فَخَيَّرَها مِنْ زَوْجِها فَقالَتْ: لَوْ أعْطاني كَذَا وكَذَا ما ثَبَتُّ عِنْدَهُ، فاخْتارَتْ نَفْسَها. [راجع: ٤٥٦]

2536. Narrated 'Āishah رَضِيَ الله عَنْها: I bought Barira, but her masters put the condition that her *Walā'* would be for them. I told the Prophet ﷺ about it. He said (to me), "Manumit her, as her *Walā'* will be for the one who pays the price." So, I manumitted her. The Prophet ﷺ called Barira and gave her the option of either staying with her husband or leaving him. She said, "Even if he gave me so much money, I would not stay with him," and so she preferred her freedom to her husband.

(١١) **بابٌ إذَا أُسِرَ أخُو الرَّجُلِ أوْ عَمُّهُ هَلْ يُفادَى إذَا كانَ مُشْرِكاً؟**

(11) CHAPTER. If the brother or the uncle of somebody was taken as a war prisoner, then can he ransom him if he is a *Mushrik*?

وقالَ أنَسٌ: قالَ العَبَّاسُ لِلنَّبِيِّ

Narrated Anas رَضِيَ الله عَنْهُ: Al-'Abbās said

(1) (H. 2534) The liberator was needy, so the Prophet ﷺ sold the slave for him, permitting him to cancel his promise of manumitting the slave after his death.

(2) (Ch. 10) *Walā*: See glossary.

to the Prophet ﷺ, "I ransom myself and 'Aqīl." 'Alī got his share of the booty from the property which was given by his brother 'Aqīl and his uncle Al-'Abbās.

ﷺ: فادَيْتُ نَفْسِي وفادَيْتُ عَقِيلاً، وكانَ عَليٌّ لَهُ نَصِيبٌ في تِلكَ الغَنِيمَةِ الَّتي أصابَ مِنْ أخِيهِ عَقِيلٍ وعَمِّهِ عَبَّاسٍ.

2537. Narrated Anas رَضِيَ اللهُ عَنْهُ: Some men of the *Anṣār* asked for the permission of Allāh's Messenger ﷺ and said, "Allow us to give up the ransom from our nephew Al-'Abbās. The Prophet ﷺ said (to them), "Do not leave (even) a Dirham (of his ransom)."

٢٥٣٧ - حَدَّثَنَا إسْمَاعِيلُ بنُ عَبْدِ اللهِ: حدَّثنا إسماعِيلُ بنُ إبْرَاهِيمَ بنِ عُقْبَةَ، عَنْ مُوسَى بْنِ عُقْبَةَ، عَنِ ابنِ شِهابٍ قالَ: حدَّثَني أنَسٌ رَضِيَ اللهُ عَنْهُ: أنَّ رِجالاً مِنَ الأنْصارِ اسْتَأْذَنُوا رَسُولَ اللهِ ﷺ فَقالُوا: ائْذَنْ لَنا فَلْنَتْرُكْ لابنِ أخْتِنا عَبَّاسٍ فِدَاءَهُ، فَقالَ: «لا تَدَعُونَ مِنْهُ دِرْهَماً».

[انظر: ٣٠٤٨، ٤٠١٨]

(12) CHAPTER. Manumission of a *Mushrik* (pagan, polytheist, idolater)

(١٢) بابُ عِتْقِ المُشْرِكِ

2538. Narrated Hishām: My father told me that Ḥakīm bin Ḥizām رَضِيَ اللهُ عَنْهُ manumitted one hundred slaves in the Pre-Islāmic Period of Ignorance and slaughtered one hundred camels (and distributed them in charity). When he embraced Islam he again slaughtered one hundred camels and manumitted one hundred slaves. Ḥakīm said, "I asked Allāh's Messenger ﷺ, 'O Allāh's Messenger! What do you think about some good deeds I used to practise in the Pre-Islāmic Period of Ignorance regarding them as deeds of righteousness?' " Allāh's Messenger ﷺ said, "You have embraced Islām along with all those good deeds you did."

٢٥٣٨ - حَدَّثَنَا عُبَيْدُ بنُ إسْمَاعِيلَ: حدَّثَنا أبُو أُسامَةَ، عَنْ هِشامٍ، أخْبرَني أبي: أنَّ حَكِيمَ بنَ حِزَامٍ رَضِيَ اللهُ عَنْهُ أعْتَقَ في الجاهِلِيَّةِ مائَةَ رَقَبَةٍ، وحَمَلَ عَلى مائَةِ بَعِيرٍ. فَلَمَّا أسْلَمَ حَمَلَ عَلى مائَةِ بَعِيرٍ وعَتَقَ مائَةَ رَقَبَةٍ، قالَ: فَسألْتُ رَسُولَ اللهِ ﷺ فَقُلْتُ: يا رَسُولَ اللهِ، أرَأيْتَ أشْياءَ كُنْتُ أصْنَعُها في الجاهِلِيَّةِ، كُنْتُ أتَحَنَّثُ بِها - يَعْنِي: أتَبرَّرُ بِها -؟ قالَ: فَقالَ رَسُولُ اللهِ ﷺ: «أسْلَمْتَ عَنْ ما سَلَفَ لكَ مِنْ خَيرٍ».

[راجع: ١٤٣٦]

(13) CHAPTER. Whover possessed Arab slaves and gave them as presents, or sold them, or had sexual relation with the females among them, or accepted their ransom, or took their offspring as captives.

(١٣) **باب** مَنْ مَلكَ مِنَ العَرَبِ رَقِيقاً فَوَهَبَ وباعَ وجامَعَ وفَدَى وسَبى الذُّرِّيَّةَ

And the Statement of Allāh تعالى:

"The example (of two men – a believer and a disbeliever); a slave (disbeliever) under the possession of another, he has no power of any sort, and (the other), a man (believer) on whom We have bestowed a good provision from Us, and he spends thereof secretly and openly. Can they be equal? (By no means, not). All the praises and thanks be to Allāh. Nay! (But) most of them know not." (V.16:75)

وقَوْلِ اللهِ تَعالى: ﴿عَبْدًا مَّمْلُوكًا لَّا يَقْدِرُ عَلَىٰ شَيْءٍ وَمَن رَّزَقْنَٰهُ مِنَّا رِزْقًا حَسَنًا فَهُوَ يُنفِقُ مِنْهُ سِرًّا وَجَهْرًا هَلْ يَسْتَوُۥنَ ٱلْحَمْدُ لِلَّهِ بَلْ أَكْثَرُهُمْ لَا يَعْلَمُونَ﴾ [النحل: ٧٥]

2539, 2540. Narrated Marwān and Al-Miswar bin Makhrama: When the delegates of the tribe of Hawāzin came to the Prophet ﷺ, and they requested him to return their properties and captives the Prophet ﷺ stood up and said to them, "I have other people with me in this matter (as you see) and the most beloved statement to me is the true one; you may choose either the properties or the prisoners as I have delayed their distribution." The Prophet ﷺ had waited for them for more than ten days since his arrival from Ṭa'īf. So, when it became evident to them that the Prophet ﷺ was not going to return them except one of the two, they said, "We choose our prisoners." The Prophet ﷺ got up amongst the people and glorified and praised Allāh as He deserved and said, "Then after, these brethren of yours have come to us with repentance, and I see it logical to return them the captives. So, whoever amongst you likes to do that as a favour, then he can do it, and whoever of you likes to stick to his share till we recompense him from the very first war booty which Allāh will give us, then he can do so (i.e., give up

٢٥٣٩، ٢٥٤٠ - حَدَّثَنا ابنُ أبي مَرْيَمَ قالَ: أخبرنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ: ذَكَرَ عُرْوَةُ أَنَّ مَرْوَانَ والمِسْوَرَ بنَ مَخْرَمَةَ أخْبَراهُ: أنَّ النَّبِيَّ ﷺ قامَ حِينَ جاءَهُ وفْدُ هَوازِنَ فَسألُوهُ أنْ يَرُدَّ إلَيهِمْ أمْوالَهُمْ وسَبْيَهُمْ، فَقالَ: «إنَّ مَعِي مَنْ تَرَوْنَ، وأحَبُّ الحَدِيثِ إلَيَّ أصْدَقُهُ، فاخْتارُوا إحْدَى الطَّائِفَتَينِ: إمَّا المَالَ وإمَّا السَّبْيَ، وقَدْ كُنْتُ اسْتَأْنَيْتُ بِهِمْ» وكانَ النَّبِيُّ ﷺ انْتَظَرَهُمْ بِضْعَ عَشْرَةَ لَيْلَةً حِينَ قَفَلَ مِنَ الطَّائِفِ. فَلَمَّا تَبَيَّنَ لَهُمْ أنَّ النَّبِيَّ ﷺ غَيرُ رَادٍّ إلَيْهِمْ إلَّا إحْدَى الطَّائِفَتَينِ قالُوا: فإنَّا نَخْتارُ سَبْيَنا، فَقامَ النَّبِيُّ ﷺ في النَّاسِ فأثْنَى عَلَى اللهِ بِما هُوَ أهْلُهُ. ثُمَّ قالَ: «أمَّا بَعْدُ، فإنَّ إخْوَانَكُمْ قَدْ

جاؤُنا تائِبينَ وإنِّي رَأَيْتُ أنْ أرُدَّ إلَيهِمْ سَبْيَهُمْ، فمَنْ أحَبَّ مِنْكُمْ أنْ يُطَيِّبَ ذٰلكَ فَلْيَفْعَلْ، ومَنْ أحَبَّ أنْ يَكُونَ عَلى حَظِّهِ حتَّى نُعْطِيَهُ إيَّاهُ مِنْ أوَّلِ ما يُفِيءُ اللهُ عَلَيْنا فَلْيَفْعَلْ». فَقالَ النَّاسُ: طَيَّبْنا لكَ ذٰلكَ، قالَ: «إنَّا لا نَدْري مَنْ أذِنَ مِنْكُمْ ممَّنْ لَمْ يأذَنْ، فارْجِعُوا حتَّى يَرْفَعَ إلَيْنا عُرَفاؤُكُمْ أمْرَكُمْ». فَرَجَعَ النَّاسُ فَكَلَّمَهُمْ عُرَفاؤُهُمْ، ثُمَّ رَجَعُوا إلى النَّبيِّ ﷺ فأخْبرُوهُ أنَّهُمْ طَيَّبُوا وأذِنُوا، فَهٰذا الَّذي بَلَغَنا عَنْ سَبي هَوازِنَ. وقالَ أنَسٌ، قالَ عَبَّاسٌ للنَّبيِّ ﷺ: فادَيْتُ نَفْسِي وفادَيْتُ عَقِيلاً. [راجع: ٢٣٠٧، ٢٣٠٨]

the present captives).'' The people unanimously said, "We do that (return the captives) willingly." The Prophet ﷺ said, "We do not know which of you have agreed to it and which have not, so go back and let your leaders forward us your decision." So, all the people then went back and discussed the matter with their leaders who returned and informed the Prophet ﷺ that all the people had willingly given their consent to return the captives. This is what has reached us about the captives of Hawāzin.

Narrated Anas that 'Abbās said to the Prophet ﷺ, "I paid for my ransom and 'Aqīl's ransom."

٢٥٤١ - حَدَّثَنَا عَليُّ بنُ الحَسَنِ: أخْبَرَنا عَبْدُ اللهِ: أخْبرَنا ابنُ عَوْنٍ، قالَ: كَتَبْتُ إلى نافِعٍ فَكَتَبَ إليَّ أنَّ النَّبيَّ ﷺ أغارَ عَلى بَنِي المُصْطَلِقِ وهُمْ غارُّونَ وأنْعامُهُمْ تُسْقى عَلى المَاءِ فَقَتَلَ مُقاتِلَتَهُمْ وسَبىٰ ذَرارِيَّهُمْ، وأصَابَ يَوْمَئِذٍ جُوَيْرِيةَ، حدَّثَني بِهِ عَبْدُ اللهِ ابنُ عُمَرَ وكانَ في ذٰلكَ الجَيْشِ.

2541. Narrated Ibn 'Aūn: I wrote a letter to Nāfi', and Nāfi' wrote in reply to my letter that the Prophet ﷺ had (suddenly) attacked Banī Muṣṭaliq (without warning while they were heedless) and their cattle were being watered at the places of water. Their fighting men were killed and their women and children were taken as captives; the Prophet ﷺ got Juwairīya رَضِيَ اللهُ عَنْها on that day. Nāfi' said that Ibn 'Umar had told him the above narration and that Ibn 'Umar was in that army.

٢٥٤٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالكٌ، عَنْ رَبيعَةَ بنِ أبي عَبْدِ الرَّحْمٰنِ، عَنْ مُحَمَّدِ بنِ يَحْيى بن حَبَّانَ، عَنِ ابنِ مُحيْرِيزٍ

2542. Narrated Ibn Muḥairiz: I saw Abū Sa'īd رَضِيَ اللهُ عَنْهُ and asked him about coitus interruptus. Abū Sa'īd said, "We went with Allāh's Messenger ﷺ in the *Ghazwa* of Banī Al-Muṣṭaliq and we captured some of the Arabs as captives, and the long separation

قالَ: رَأيْتُ أبا سَعِيدٍ رَضِيَ اللهُ عَنْهُ فَسَألْتُهُ، فقالَ: خَرَجْنا مَعَ رَسُولِ اللهِ ﷺ في غَزْوَةِ بَنِي المُصْطَلِقِ فأصَبْنا سَبْياً مِنْ سَبي العَرَبِ فاشْتَهَيْنا النِّساءَ فاشْتَدَّتْ عَلَيْنا العُزْبَةُ، وأحْبَبْنا العَزْلَ فَسَألْنا رَسُولَ اللهِ ﷺ فَقالَ: «ما عَلَيْكُمْ أنْ لا تَفْعَلُوا، ما مِنْ نَسَمَةٍ كائِنَةٍ إلى يَوْمِ القِيامَةِ إلَّا وهِيَ كائِنَةٌ». [راجع: ٢٢٢٩]

from our wives was pressing us hard and we wanted to practise coitus interruptus. We asked Allāh's Messenger ﷺ (whether it was permissible). He said, "It is better for you not to do so. No soul, (that which Allāh has) destined to exist, up to the Day of Resurrection, but will definitely come into existence."

٢٥٤٣ - حَدَّثَنا زُهَيرُ بنُ حَرْبٍ: حدَّثَنا جَرِيرٌ، عَنْ عُمارَةَ بنِ القَعْقاعِ، عَنْ أبي زُرْعَةَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: «لا أزالُ أُحِبُّ بَنِي تَمِيمٍ».

وحدَّثَني ابنُ سَلامٍ: أخْبَرَنا جَرِيرُ بنُ عَبْدِ الحَمِيدِ، عَنِ المُغِيرَةِ، عَنِ الحارِثِ، عَنْ أبي زُرْعَةَ، عَنْ أبي هُرَيْرَةَ، وعَنْ عُمارَةَ، عَنْ أبي زُرْعَةَ، عَنْ أبي هُرَيْرَةَ قالَ: ما زِلْتُ أُحِبُّ بَنِي تَمِيمٍ مُنْذُ ثَلاثٍ سَمِعْتُ مِنْ رَسُولِ اللهِ ﷺ يَقُولُ فِيهِمْ، سَمِعْتُهُ يَقُولُ: «هُمْ أشَدُّ أُمَّتِي عَلى الدَّجَّالِ». قالَ: وجاءَتْ صَدَقاتُهُمْ فَقالَ رَسُولُ اللهِ ﷺ: «هذِهِ صَدَقاتُ قَوْمِنا»، وكانَتْ سَبِيَّةٌ مِنْهُمْ عِنْدَ عائِشَةَ فَقالَ: «أعْتِقِيها فإنَّها مِنْ وَلَدِ إسْماعِيلَ». [انظر: ٤٣٦٦]

2543. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: I have loved the people of the tribe of Banī Tamīm ever since I heard three things Allāh's Messenger ﷺ said about them. I heard him saying, "These people (of the tribe of Banī Tamīm) would stand firm against *Ad-Dajjāl*." When the *Ṣadaqāt* (gifts of charity) from that tribe came, Allāh's Messenger ﷺ said, "These are the *Ṣadaqāt* (i.e., charitable gifts) of our folk." Āishah had a slave-girl from that tribe, and the Prophet ﷺ said to 'Āishah, "Manumit her as she is a descendant of (the Prophet) Isma'īl [Ishmāel عليه السلام]."

(14) CHAPTER. The superiority of him who teaches his slave-girl good manners.

(١٤) **بابُ فَضْلِ مَنْ أَدَّبَ جارِيَتَهُ وعَلَّمَها**

2544. Narrated Abū Mūsa رَضِيَ الله عَنْه: Allāh's Messenger ﷺ said, "He who has a slave-girl and educates and treats her nicely and then manumits her and marries her, will get a double reward." (See H. 5083)

٢٥٤٤ - **حَدَّثَنا** إسحاقُ بنُ إبْراهِيمَ: سَمِعَ مُحَمَّدَ بنَ فُضَيْلٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ كانَتْ لَهُ جارِيَةٌ فَعَلَّمَها فأحْسَنَ إلَيها، ثُمَّ أعْتَقَها وتَزَوَّجَها كانَ لَهُ أجْرانِ».

[راجع: ٩٧]

(15) CHAPTER. The saying of the Prophet ﷺ: Slaves are your brothers, so feed them with the like of what you eat.

And the Statement of Allāh تعالى:

"Worship Allāh and join none with Him (in worship), and do good to parents, kinsfolk, orphans, *Al-Masākīn* (the poor), the neighbour who is near of kin, the neighbour who is a stranger, the companion by your side, the wayfarer (you meet) and those (slaves) whom your right hands posses. Verily, Allah does not like such as are proud and boastful." (V.4:36)

(١٥) **بابُ قَوْلِ النَّبِيِّ ﷺ: «العَبِيدُ إخْوانُكُمْ فأطْعِمُوهُمْ ممَّا تَأكُلُونَ»،**

وقَوْلِ اللهِ تَعالَى: ﴿وَٱعْبُدُوا۟ ٱللَّهَ وَلَا تُشْرِكُوا۟ بِهِۦ شَيْـًٔا ۖ وَبِٱلْوَٰلِدَيْنِ إِحْسَٰنًا وَبِذِى ٱلْقُرْبَىٰ وَٱلْيَتَٰمَىٰ وَٱلْمَسَٰكِينِ وَٱلْجَارِ ذِى ٱلْقُرْبَىٰ وَٱلْجَارِ ٱلْجُنُبِ وَٱلصَّاحِبِ بِٱلْجَنۢبِ وَٱبْنِ ٱلسَّبِيلِ وَمَا مَلَكَتْ أَيْمَٰنُكُمْ ۗ إِنَّ ٱللَّهَ لَا يُحِبُّ مَن كَانَ مُخْتَالًا فَخُورًا ﴿٣٦﴾﴾ [النساء: ٣٦] قال أبو عَبْدِ اللهِ: ﴿ذِى ٱلْقُرْبَىٰ﴾: القَرِيبُ، ﴿وَٱلصَّاحِبِ بِٱلْجَنۢبِ﴾: الغَرِيبُ.

2545. Narrated Al-Ma'rūr bin Suwaid: I saw Abū Dhar Al-Ghifārī رَضِيَ الله عَنْه wearing a cloak, and his slave, too, was wearing a cloak. We asked him about that (i.e., how both were wearing similar cloaks). He replied, "Once I abused a man and he complained of me to the Prophet ﷺ. The Prophet ﷺ asked me, 'Did you abuse him by slighting his mother?' He added, 'Your slaves

٢٥٤٥ - **حَدَّثَنا** آدَمُ بنُ أبي إياسٍ: حَدَّثَنا شُعْبَةُ: حَدَّثَنا واصِلٌ الأحْدَبُ قالَ: سَمِعْتُ المَعْرُورَ بنَ سُوَيْدٍ قالَ: رَأيْتُ أبا ذَرٍّ الغِفارِيَّ رَضِيَ اللهُ عَنْهُ وعَلَيْهِ حُلَّةٌ وعَلى غُلامِهِ حُلَّةٌ، فَسَألْناهُ عَنْ ذلكَ فَقالَ:

are your brethren upon whom Allāh has given you authority. So, if one has one's brethren under one's control, one should feed them with the like of what one eats and clothe them with the like of what one wears. You should not overburden them with what they cannot bear, and if you do so, help them (in their hard job).'"

إنِّي سابَبْتُ رَجُلاً فَشَكاني إلى النَّبيِّ ﷺ فقالَ النَّبيُّ ﷺ: «أعَيَّرْتَهُ بِأُمِّهِ؟» ثُمَّ قالَ: «إنَّ إخْوانَكُمْ خَوَلُكُمْ جَعَلَهُمُ اللهُ تَحْتَ أيْدِيكُمْ، فمَنْ كانَ أخُوهُ تَحْتَ يَدِهِ فَلْيُطْعِمْهُ ممَّا يَأكُلُ وَلْيُلْبِسْهُ ممَّا يَلْبَسُ، ولا تُكَلِّفُوهُمْ ما يَغْلِبُهُمْ، فإنْ كَلَّفْتُمُوهُمْ ما يَغْلِبُهُمْ فأعِينُوهُمْ». [راجع: ٣٠]

(16) CHAPTER. (The reward of) a slave who worships his Lord (Allāh) in a perfect manner and he is also honest and faithful to his master.

(١٦) بابُ العَبْدِ إذَا أحْسَنَ عِبادَةَ رَبِّهِ ونَصَحَ سَيِّدَهُ

2546. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "If a slave is honest and faithful to his master and worships his Lord (Allāh) in a perfect manner, he will get a double reward." (See H. 5083)

٢٥٤٦ - حدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ قالَ: «العَبْدُ إذَا نَصَحَ سَيِّدَهُ وأحْسَنَ عِبادَةَ رَبِّهِ كانَ لَهُ أجْرُهُ مَرَّتَينِ». [انظر: ٢٥٥٠]

2547. Narrated Abū Mūsa Al-Ash'arī رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "He who has a slave-girl and teaches her good manners and educates her and then manumits and marries her, will get a double reward; and any slave who observes Allāh's Right and his master's right will get a double reward." (See H. 5083)

٢٥٤٧ - حَدَّثَنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرَنا سُفْيانُ، عَنْ صَالِحٍ، عَنِ الشَّعْبِيِّ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى الأشْعَرِي رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبيُّ ﷺ: «أيُّما رَجُلٍ كانَتْ لَهُ جارِيَةٌ أدَّبها فأحْسَنَ تعْلِيمَهَا، وأعْتَقَها وتَزَوَّجَها فَلَهُ أجْرَانِ، وأيُّما عَبْدٍ أدَّى حَقَّ اللهِ وحقَّ مَوَالِيهِ فَلَهُ أجْرَانِ». [راجع: ٩٧]

2548. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "A pious slave gets a double reward." Abū Hurairah added:

٢٥٤٨ - حَدَّثَنا بِشْرُ بنُ مُحَمَّدٍ: أخْبرَنا عَبْدُ اللهِ: أخْبرَنا يُونُسُ، عَنِ

By Him in Whose Hands my soul is but for *Jihād* (i.e., holy battles), *Ḥajj*, and my duty to serve my mother, I would have loved to die as a slave.[1]

الزُّهْرِيّ سَمِعْتُ سَعِيدَ بنَ المُسَيِّبِ يَقُولُ: قالَ أبو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: قالَ رَسُولُ اللهِ ﷺ: «للعَبْدِ المَمْلُوكِ الصَّالحِ أجْرَانِ»، والذِي نَفسِي بِيَدِهِ لَوْلا الجِهادُ في سَبِيلِ اللهِ والحَجُّ وبِرُّ أُمِّي لأَحْبَبْتُ أنْ أمُوتَ وأنا مَمْلُوكٌ.

2549. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "Goodness and comfort are for him (the slave) who worships his Lord (Allāh) in a perfect manner and serves his master sincerely."

٢٥٤٩ - حَدَّثَنا إسحاقُ بنُ نَصْرٍ: حدَّثَنا أبُو أُسامَةَ، عَنِ الأعْمَشِ: حدَّثَنا أبُو صَالحٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ ﷺ: «نِعِمَّا لأَحَدِهِمْ يُحْسِنُ عِبادَةَ رَبِّهِ ويَنْصَحُ لِسَيِّدِهِ».

(17) CHAPTER. It is disliked to look down upon a slave or to say, "My slave" or "My slave-girl."

(١٧) بابُ كَراهِيَةِ التَّطاوُلِ عَلَى الرَّقِيقِ، وقَوْلِهِ: عَبْدِي أوْ أمَتِي

Allāh تعالى says:

"And (also marry) the *Ṣālihūn* (pious, fit and capable ones) of your (male) slaves and maid-servants (female slaves)..." (V.24:32)

And Allāh said,

"A slave (disbeliever) under the possession of another" (V.16:75) "... They both found her lord (i.e., her husband) at the door..." (V.12:25) "... believing girls [from among those (slaves) whom you right hands possess]..." (V.4:25)

And the Prophet ﷺ said, "Get up for your master."

Allāh says:

"...Mention me to your lord (i.e., your king so as to get me out of the the prison)..." (V.12:42)

وقالَ اللهُ تَعالى: ﴿وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ﴾ [النور: ٣٢]. وقالَ: ﴿عَبْدًا مَمْلُوكًا﴾ [النحل: ٧٥] ﴿وَأَلْفَيَا سَيِّدَهَا لَدَا الْبَابِ﴾ [يوسف: ٢٥] وقالَ: ﴿مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ﴾ [النساء: ٢٥] وقالَ النَّبِيُّ ﷺ: «قُومُوا إلى سَيِّدِكُمْ»، وَ﴿اذْكُرْنِي عِنْدَ رَبِّكَ﴾ [يوسف: ٤٢]: عِنْدَ سَيِّدِكَ. و«مَنْ سَيِّدُكُمْ؟»

(1) (H. 2548) Abū Hurairah mentioned *Jihād, Ḥajj* and duty towards mother as obstacles in the way of his wish, because a slave cannot practise any of these actions without his master's permission. (*Qasṭalānī*).

(The Prophet ﷺ said), "And who is your master?"[1]

2550. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "If a slave serves his *Saiyid* (i.e., master) sincerely and worships his Lord (Allāh) perfectly, he will get a double reward." (See H. 5083)

٢٥٥٠ - **حَدَّثَنَا** مُسَدَّدٌ: حدَّثنا يَحْيى، عَنْ عُبَيْدِ اللهِ قَالَ: حدَّثني نافعٌ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «إذَا نَصَحَ العَبْدُ سَيِّدَهُ وأحْسَنَ عِبادَةَ رَبِّهِ كانَ لَهُ أجْرُهُ مَرَّتَيْنِ». [راجع: ٢٥٤٦]

2551. Narrated Abū Mūsa رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "The *Mamulūk* (slave) who worships his Lord (Allāh) in a perfect manner, and is dutiful, sincere and obedient to his *Saiyid* (master), will get a double reward." (See H. 5083)

٢٥٥١ - **حَدَّثَنَا** مُحَمَّدُ بنُ العَلاءِ: حدَّثنا أبُو أسامَةَ، عَنْ بُرَيْدٍ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «المَمْلُوكُ الَّذي يُحْسِنُ عِبادَةَ رَبِّهِ، ويُؤَدِّي إلى سَيِّدِهِ الَّذي لَهُ عَلَيْهِ مِنَ الحَقِّ والنَّصِيحَةِ والطَّاعَةِ أجْرَانِ». [راجع: ٩٧]

2552. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "You should not say, 'Feed your lord (*Rabbaka*), help your lord in performing ablution, or give water to your lord' but should say, 'My master (e.g. feed your master instead of lord) (*Saiyidī*)', or 'My guardian (*Maulāī*)', and one should not say, 'My slave ('*Abdī*)', or 'My girl-slave (*Amatī*)', but should say, 'My lad (*Fatāī*)', 'My lass (*Fatātī*)', and 'My boy (*Ghulāmī*).'"

٢٥٥٢ - **حَدَّثَنَا** مُحَمَّدٌ: حدَّثنا عَبْدُ الرَّزاقِ: أخْبرنا مَعْمَرٌ، عَنْ همامِ بنِ مُنَبِّهٍ: أنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يُحدِّثُ عَنِ النَّبيِّ ﷺ قالَ: «لا يَقُلْ أحَدُكُمْ: أطْعِمْ رَبَّكَ، وضِّئْ رَبَّكَ أسقِ ربَّك. ولْيَقُلْ: سَيِّدي مَوْلايَ. ولا يَقُلْ أحَدُكُمْ: عَبْدِي أمَتي، ولْيَقُلْ: فَتَايَ وفَتَاتي وغُلامي.

2553. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ said, "If one manumits his

٢٥٥٣ - **حَدَّثَنَا** أبُو النُّعْمان:

(1) (Ch. 17) This chapter recommends that one should not call his slave a slave; yet the word is used by Allāh and His Messenger on many occasions. In this chapter the male slave is called *Abd* in Arabic; the female slave *Ama*; the master *Saiyid*; or *Rabb*. The slave is also called *Mamlūk*, and the female slave *Fatāt*.

حدَّثَنا جَرِيرُ بنُ حازِمٍ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبِيُّ ﷺ: «مَنْ أعْتَقَ نَصِيباً لَهُ مِنَ العَبْدِ فَكانَ لَهُ مِنَ المَالِ ما يَبْلُغُ قِيمَتَهُ قُوِّمَ عَلَيْهِ قِيمَةَ عَدْلٍ، وأُعْتِقَ مِنْ مالِهِ وإلَّا فَقَدْ أُعْتِقَ منه ما عَتَقَ».

share of a common slave (*'Abd*), and he has money sufficient to free the remaining portion of the price of the slave (justly estimated), then he should free the slave completely by paying the rest of his price; otherwise the slave is freed partly."

٢٥٥٤ - **حَدَّثَنَا** مُسَدَّدٌ: حدَّثَنا يحْيىٰ، عَنْ عُبَيْدِ اللهِ: حدَّثَني نافعٌ عَنْ عَبدِ اللهِ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «كُلُّكُمْ رَاعٍ ومَسْؤُولٌ عَنْ رَعِيَّتِهِ: فالأمِيرُ الذِي عَلَى النَّاسِ فَهُوَ راعٍ علَيهِم وَهُوَ مَسْؤُولٌ عَنْهُمْ. والرَّجُلُ راعٍ على أهلِ بَيْتِهِ وهُوَ مَسؤُولٌ عَنْهُمْ، والمَرْأةُ رَاعِيَةٌ عَلَى بَيْتِ بَعْلِها ووَلَدِهِ وهِيَ مَسْؤُولَةٌ عَنْهُمْ. والعَبْدُ رَاعٍ عَلَى مالِ سَيِّدِهِ وهُوَ مَسْؤُولٌ عَنْهُ. ألا فَكُلُّكُمْ رَاعٍ وكُلُّكُمْ مَسْؤُولٌ عَنْ رَعِيَّتِهِ». [راجع: ٨٩٣]

2554. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Everyone of you is a guardian and is responsible for his charges. The ruler who has authority over people, is a guardian and is responsible for them, a man is a guardian of his family and is responsible for them; a woman is a guardian of her husband's house and children and is responsible for them; a slave (*'Abd*) is a guardian of his master's property and is responsible for it; so all of you are guardians and are responsible for your charges."

٢٥٥٥، ٢٥٥٦ - **حَدَّثَنَا** مالكُ بنُ إسْمَاعِيلَ: حدَّثَنا سُفْيانُ، عَنِ الزُّهْرِيِّ: حدَّثَني عُبَيْدُ اللهِ: سَمِعْتُ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ وزَيْدَ بنَ خالِدٍ عَنِ النَّبِيِّ ﷺ قالَ: «إذَا زَنَتِ الأمَةُ فاجْلِدُوها، ثُمَّ إذَا زَنَتْ فاجْلِدُوها، ثُمَّ إذا زَنَتْ فاجلِدُوها، في الثَّالِثَةِ أوِ الرَّابِعَةِ فَبِيعُوهَا ولَوْ بِضَفِيرٍ». [راجع: ٢١٥٢، ٢١٥٤]

2555, 2556. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ and Zaid bin Khālid: The Prophet ﷺ said, "If a slave-girl (*Ama*) commits illegal sexual intercourse, scourge her; if she does it again, scourge her again; if she repeats it, scourge her again." The narrator added that on the third or the fourh offence, the Prophet ﷺ said, "Sell her even for a hair rope."

(18) CHAPTER. When your servant brings your meal to you?

(١٨) بابٌ إذَا أتىٰ أحدَكم خادِمُهُ بطعَامِهِ

2557. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "When your servant brings your meal to you then if you, do not let him sit and share the meal, you should at least give him a mouthful or two mouthfuls of that meal or a meal or two meals, as he has prepared it."

٢٥٥٧ - حَدَّثَنَا حجَّاجُ بنُ مِنْهالٍ: حدَّثَنا شُعْبَةُ قالَ: أخْبرَني مُحَمَّدُ بنُ زِيادٍ قَالَ: سَمِعْتُ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «إذَا أتَى أحَدَكُمْ خادِمُهُ بطعَامِهِ، فإنْ لَمْ يُجْلِسْهُ مَعَهُ فَلْيُناوِلْهُ لُقْمَةً أوْ لُقْمَتَينِ، أوْ أُكْلَةً أوْ أُكْلَتَيْنِ، فإنَّهُ ولِيَ عِلاجَهُ». [انظر: ٥٤٦٠]

(19) CHAPTER. The slave is a guardian of the property of his master.

The Prophet ﷺ has referred the ownership of the property to the master.

(١٩) بابٌ: العَبْدُ رَاعٍ في مالِ سَيِّدِهِ، ونَسَبَ النَّبِيُّ ﷺ المَالَ إلى السَّيِّدِ

2558. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما that he heard Allāh's Messenger ﷺ saying, "Everyone of you is a guardian and is responsible for his charge; the ruler is a guardian and is responsible for his subjects; the man is a guardian of his family and responsible for his charges; a woman is a guardian of her husband's house and responsible for her charges; and the servant is a guardian of his master's property and is responsible for his charge." I definitely heard the above from the Prophet ﷺ and think that the Prophet ﷺ also said, "A man is a guardian of his father's property and responsible for his charges; so everyone of you is a guardian and responsible for his charges."

٢٥٥٨ - حَدَّثَنَا أبُو اليَمانِ: أخْبرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أخْبرَني سالِمُ ابنُ عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ يَقُولُ: «كُلُّكُمْ راعٍ ومَسْؤُولٌ عَنْ رَعِيَّتِهِ، فالإمامُ رَاعٍ ومَسْؤُولٌ عَنْ رَعِيَّتِهِ، والرَّجُلُ في أهْلِهِ رَاعٍ وهُوَ مَسْؤُولٌ عَنْ رَعِيَّتِهِ، والمَرْأةُ في بَيْتِ زَوْجِها رَاعِيَةٌ وهِيَ مَسْؤُولَةٌ عَنْ رَعِيَّتِها. والخادِمُ في مالِ سَيِّدِهِ رَاعٍ وهُوَ مَسْؤُولٌ عَنْ رَعِيَّتِهِ». قالَ: فَسَمِعْتُ هٰؤلاءِ مِنَ النَّبِيِّ ﷺ وأحْسِبُ النَّبِيَّ ﷺ قالَ: «والرَّجُلُ في مالِ أبِيهِ رَاعٍ ومَسْؤُولٌ عَنْ رَعِيَّتِهِ، فَكُلُّكُمْ رَاعٍ وكُلُّكُمْ

مَسْؤُولٌ عَنْ رَعِيَّتِهِ». [راجع: ٨٩٣]

(20) CHAPTER. If somebody beats a slave, he should avoid his face.

(٢٠) بابٌ إِذَا ضَرَبَ العَبْدَ فَلْيَجْتَنِبِ الوَجْهَ

2559. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "If somebody fights (or beats somebody) then he should avoid (hitting) the face."

٢٥٥٩ - حَدَّثَني مُحَمَّدُ بنُ عُبَيْدِ اللهِ: حدَّثَنا ابنُ وَهْبٍ قالَ: حدَّثَني مالكٌ بنُ أنَسٍ قالَ: وأَخْبَرَني ابنُ فُلانٍ، عَنْ سَعِيدٍ المَقْبُرِيّ، عَنْ أبيهِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ. ح وحدَّثَني عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا عَبْدُ الرَّزَّاقِ: أخْبرَنا مَعْمَرٌ، عَنْ هَمَّامٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «إذَا قاتَلَ أحَدُكُمْ فَلْيَجْتَنِبِ الوَجْهَ».

50 - THE BOOK OF *AL-MUKĀTAB*

٥٠ - كتاب المكاتب

(A slave who binds himself to pay a certain amount equivalent for his freedom by seeking writing of emancipation from his master).

CHAPTER. The sin of one who falsely accuses his slave of illegal sexual intercourse.

باب إثم من قذف مملوكه

(1) CHAPTER. *Al-Mukātab* and the payment of his price by yearly installment.

(١) باب المكاتب ونجومه، في كل سنة نجم

And Allāh's Statement:

"...And such of your slaves as seek a writing (of emancipation), give them such writing, if you find that there is good and honesty in them. And give them something (yourselves) out of the wealth of Allāh which He has bestowed upon you..." (V.24:33)

Narrated Ibn Juraij: I asked 'Aṭā', "Will it be necessary for me to give a slave the writing of emancipation if I come to know that such a slave has money or property?" 'Aṭā' replied, "I consider it obligatory."

'Amr bin Dīnār asked 'Aṭā', "Have you a proof (narration) for your verdict?" He replied in the negative and added that Mūsa bin Anas told him that Sīrīn sought from Anas a writing of emancipation, and Sīrīn was a very rich slave, but Anas refused to grant him his desire. Sīrīn went to 'Umar رضي الله عنه who ordered Anas with his lash and recited:

'Give them such writing, if you find that there is good and honesty in them...' (V.24:33)

Anas then gave him a writing (of emancipation)."

وقوله: ﴿وَٱلَّذِينَ يَبْتَغُونَ ٱلْكِتَٰبَ مِمَّا مَلَكَتْ أَيْمَٰنُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَءَاتُوهُم مِّن مَّالِ ٱللَّهِ ٱلَّذِىٓ ءَاتَىٰكُمْ﴾ [النور: ٣٢] وقال رَوْحٌ، عَنِ ابنِ جُرَيْجٍ: قُلْتُ لِعَطاءٍ: أوَاجِبٌ عَلَيَّ إذَا عَلِمْتُ لَهُ مالاً أنْ أُكاتِبَهُ؟ قالَ: ما أُرَاهُ إلَّا وَاجِباً. وقالَ عَمْرُو بنُ دِينارٍ: قُلْتُ لِعَطاءٍ: أتَأْثُرُهُ عَنْ أحَدٍ؟ قالَ: لا. ثُمَّ أخْبَرَني أنَّ مُوسَى بنَ أنَسٍ أخْبَرَهُ أنَّ سِيرِينَ سَأَلَ أنَساً المُكاتَبَةَ وكانَ كَثِيرَ المَالِ فأبى، فانْطَلَقَ إلى عُمَرَ رَضِيَ اللهُ عَنْهُ فَقالَ: كاتِبْهُ فأبى فَضَرَبَهُ بالدِّرَّةِ ويَتْلو عُمَرُ ﴿فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا﴾ [النور: ٣٣] فَكاتَبَهُ.

2560. Narrated 'Āishah رضي الله عنها that Barīra came to seek her help in her writing of emancipation and she had to pay five *Ūqīya*

٢٥٦٠ - وقالَ اللَّيْثُ: حدَّثَني يُونُسُ عَنِ ابنِ شِهابٍ: قالَ عُرْوَةُ:

(of gold) by five yearly installments. 'Āishah said to her, "Do you think that if I pay the whole sum at once, your masters will sell you to me, and I will free you and your *Walā'*[1] will be for me." Barīra went to her masters and told them about that offer. They said that they would not agree to it unless her *Walā* would be for them. 'Āishah further said, "I went to Allāh's Messenger ﷺ and told him about it." Allāh's Messenger ﷺ said to her, "Buy Barīra and manumit her and the *Walā'* will be for the liberator." Allāh's Messenger ﷺ then got up and said, "What about those people who stipulate conditions that are not present in Allāh's Laws? If anybody stipulates a condition which is not in Allāh's Laws, then what he stipulates is invalid. Allāh's Conditions (Laws) are the truth and are more solid."

قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها: إنَّ بَرِيرَةَ دَخَلَتْ عَلَيها تَسْتَعِينُها في كِتابَتِها وعَلَيْها خَمْسُ أَواقِيَ نُجِّمَتْ عَلَيْها في خَمْسِ سِنِينَ. فَقالَتْ لَها عائِشَةُ ونَفِسَتْ فِيها: أَرَأَيْتِ إنْ عَدَدْتُ لَهُمْ عَدَّةً واحِدَةً، أَيَبِيعُكِ أَهْلُكِ فأُعْتِقَكِ فَيَكُونَ ولاؤُكِ لِي؟ فَذَهَبَتْ بَرِيرَةُ إلى أَهْلِها فَعَرَضَتْ ذٰلكَ عَلَيهِمْ فَقالوا: لا، إلَّا أنْ يَكُونَ لَنا الوَلاءُ. قالَتْ عائِشَةُ: فَدَخَلْتُ عَلى رَسُولِ اللهِ ﷺ فَذَكَرْتُ ذٰلكَ لَهُ، فَقالَ لَها رَسُولُ اللهِ ﷺ: «اشْتَرِيها فأَعْتِقيها فإنَّما الوَلاءُ لِمَنْ أَعْتَقَ». ثُمَّ قامَ رَسُولُ اللهِ ﷺ فَقالَ: «ما بالُ رِجالٍ يَشْتَرِطُونَ شُرُوطاً لَيْسَتْ في كِتابِ اللهِ؟ مَنِ اشْتَرَطَ شَرْطاً لَيسَ في كِتابِ اللهِ فَهُوَ باطِلٌ، شَرْطُ اللهِ أَحَقُّ وأَوْثَقُ». [راجع: ٤٥٦]

(2) CHAPTER. What conditions are permissible for a writing of emancipation and whoever stipulates conditions that are not (present) in Allāh's Book (i.e., not in accordance with Allāh's Laws).

(٢) بابُ ما يَجُوزُ مِنْ شُرُوطِ المُكاتَبِ، ومَنِ اشْتَرَطَ شَرْطاً لَيْسَ في كِتابِ اللهِ،

Ibn 'Umar narrated (the above).

فيهِ عن ابنِ عُمَرَ.

2561. Narrated 'Urwa that 'Āishah رَضِيَ اللهُ عَنها told him that Barīra came to seek her help in her writing of emancipation (for a certain sum) and at that time she had not paid anything of it. 'Āishah said to her, "Go back to your masters, and if they agree that I will pay the amount of your writing of emancipation and get your *Walā'*, I will do

٢٥٦١ - حَدَّثَنا قُتَيْبَةُ: حدَّثَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ: أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْها أَخْبَرَتْهُ: أَنَّ بَرِيرَةَ جاءَتْ تَسْتَعِينُها في كِتابَتِها ولَمْ تَكُنْ قَضَتْ مِنْ كِتابَتِها شَيْئاً، قالَتْ

(1) (H. 2560) *Walā'*: See glossary.

so." Barīra informed her masters of that but they refused and said, "If she (i.e., 'Āishah) is seeking Allāh's Reward, then she can do so, but your *Walā'* will be for us." 'Āishah mentioned that to Allāh's Messenger ﷺ who said to her, "Buy and manumit her, as the *Walā'* is for the liberator." Allāh's Messenger ﷺ then got up and said, "What about the people who stipulate conditions which are not present in Allāh's Laws? Whoever imposes conditions which are not present in Allāh's Laws, then those conditions will be invalid, even if he imposed these conditions a hundred times. Allāh's Conditions (Laws) are the truth and are more solid."

لَهَا عائِشَةُ: ارْجِعي إلى أهْلِكِ فإنْ أحَبُّوا أنْ أقْضِيَ عَنْكِ كِتابَتَكِ ويَكُونَ ولاؤُكِ لي فَعَلْتُ. فَذَكَرَتْ ذٰلكَ بَرِيرَةُ لأهْلِها فأبَوْا فَقالُوا: إنْ شاءَتْ أنْ تَحْتَسِبَ عَلَيْكِ فَلْتَفْعَلْ، ويَكُونُ وَلاؤُكِ لَنا. فَذَكَرَتْ ذٰلكَ لِرَسُولِ اللهِ ﷺ فَقَالَ لَها رَسُولُ اللهِ ﷺ: «ابْتاعِي فأعْتِقِي فإنَّما الوَلاءُ لِمَنْ أعْتَقَ». قالَ: ثُمَّ قامَ رَسُولُ اللهِ ﷺ فَقالَ: «ما بالُ أُناسٍ يَشْتَرِطُونَ شُرُوطاً لَيْسَتْ في كِتابِ اللهِ؟ مَنِ اشْتَرَطَ شَرْطاً لَيْسَ في كِتابِ اللهِ فَلَيْسَ لَهُ، وإنْ شَرَط مائَةَ مَرَّةٍ، شَرْطُ اللهِ أحَقُّ وأوْثَقُ». [راجع: ٤٥٦]

2562. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: 'Āishah رَضِيَ اللهُ عَنْها wanted to buy a slave-girl in order to manumit her. The girl's masters stipulated that her *Walā'* would be for them. Allāh's Messenger ﷺ said (to 'Āishah), "What they stipulate should not stop you, for the *Walā'* is for the liberator."

٢٥٦٢ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالِكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: أرادَتْ عائِشَةُ رَضِيَ اللهُ عَنْها أنْ تَشْتَرِيَ جارِيَةً لِتُعْتِقَها، فَقالَ أهْلُها: عَلى أنَّ ولاءَها لَنا، قالَ رَسُولُ اللهِ ﷺ: «لا يَمْنَعُكِ ذٰلكِ فإنَّما الوَلاءُ لِمَنْ أعْتَقَ». [راجع: ٢١٥٦]

(3) CHAPTER. *Al-Mukātab* is permitted to ask others to help him (get his liberation).

(٣) بابُ اسْتِعانَةِ المُكاتَبِ وسُؤالِهِ النَّاسَ

2563. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Barīra came (to 'Āishah) and said, "I have made a contract of emancipation with my masters for nine *Uqiya* (of gold) to be paid in yearly installments. Therefore, I seek your help."

٢٥٦٣ - حَدَّثَنا عُبَيْدُ بنُ إسمَاعِيلَ: حدَّثنا أبُو أُسامَةَ، عَنْ هِشامٍ، عَنْ أبِيهِ، عَنْ عائِشَةَ رَضِيَ

الله عَنْها قالَتْ: جاءَتْ بَرِيرَةُ، فَقالَتْ: إنِّي كاتَبْتُ أهْلي عَلى تِسْعِ أوَاقٍ في كُلِّ عامٍ أوقيَةٌ فأعِينِيني. فَقالَتْ عائِشَةُ: إنْ أحَبَّ أهلُكِ أنْ أعُدَّها لهُمْ عَدَّةً واحِدَةً وأُعْتِقَكِ فَعَلْتُ فَيَكُون ولاؤُكِ لي. فَذَهَبَتْ إلى أهْلِها فأبَوْا ذٰلكَ عَلَيْها، فَقالَتْ: إنِّي قَدْ عَرَضْتُ ذٰلكَ عَلَيهِمْ، فأبَوْا إلَّا أنْ يَكُونَ الوَلاءُ لَهُمْ. فَسَمِعَ بِذٰلكَ رَسُولُ اللهِ ﷺ فَسَألَنِي فأخْبرْتُهُ فَقالَ: «خُذِيْها فأعْتِقِيها واشْتَرِطِي لَهُمُ الوَلاءَ، فإنَّ الوَلاءَ لِمَنْ أعْتَقَ». قالَتْ عائِشَةُ: فَقامَ رَسُولُ اللهِ ﷺ في النَّاسِ فَحَمِدَ اللهَ وأثْنى عَلَيْهِ، ثُم قالَ: «أمَّا بَعْدُ، مَا بالُ رِجالٍ يَشْتَرِطُونَ شُرُوطاً لَيْسَتْ في كِتابِ اللهِ؟ فأيُّما شَرْطٍ كَانَ لَيْسَ في كِتابِ اللهِ فَهُو باطِلٌ وإنْ كانَ مائَةَ شَرْطٍ. فَقَضَاءُ اللهِ أحَقُّ، وشَرْطُ اللهِ أوْثَقُ، ما بالُ رِجَالٍ مِنْكُمْ يَقُولُ أحَدُهُمْ: أعتِقْ يا فُلانُ وليَ الوَلاءُ، إنَّما الوَلاءُ لِمَنْ أعْتَقَ». [راجع: ٤٥٦]

'Āishah said, "If your masters agree, I will pay them the sum at once and free you on condition that your *Walā'* will be for me." Barira went to her masters but they refused that offer. She (came back) and said, "I presented to them the offer but they refused, unless the *Walā'* will be for them." Allāh's Messenger ﷺ heard of that and asked me about it, and I told him about it. On that he said, "Buy and manumit her and stipulate that the *Walā'* should be for you, as *Walā'* is for the liberator." 'Āishah added, "Allāh's Messenger ﷺ then got up amongst the people, glorified and praised Allāh, and said, 'Then after: What about some people who impose conditions which are not present in Allāh's Laws? So, any condition which is not present in Allāh's Laws is invalid even if they were one hundred conditions. Allāh's Ordinance is the truth, and Allāh's Condition is stronger and more solid. Why do some men from you say, 'O so-and-so! Manumit the slave but the *Walā'* will be for me?' Verily, the *Walā'* is for the liberator."

(٤) بابُ بَيْعِ المُكاتَبِ إذَا رَضِيَ

وقالَتْ عائِشَةُ: هُوَ عَبْدٌ ما بَقِيَ عَلَيْهِ شَيْءٌ. وقالَ زَيْدُ بنُ ثابِتٍ: ما بَقِيَ عَلَيْهِ دِرْهَمٌ. وقالَ ابنُ عُمَرَ: هُوَ عَبْدٌ إنْ عاشَ وإنْ ماتَ وإنْ جَنى ما بَقِيَ عَلَيْهِ شَيْءٌ.

(4) CHAPTER. The selling of a *Mukātab* on his agreement.

'Āishah رَضِيَ اللهُ عَنْها said, "A *Mukātab* remains a slave as long as he has not paid the whole amount." Zaid bin Thābit said, "He remains a slave even if he owed one Dirham." Ibn 'Umar said, "He remains a slave whether living or dead, or became insane, so long as he still has to pay

something (from the writing of emancipation)."

2564. Narrated 'Amra bint 'Abdur-Raḥmān: Barīra went to 'Āishah, the Mother of the faithful believers رَضِيَ اللهُ عَنْها, to seek her help in her emancipation. 'Āishah said to her, "If your masters agree, I will pay them your price in a lump sum and manumit you." Barīra mentioned that offer to her masters but they refused to sell her unless the *Walā'* will be for them. 'Āishah told Allāh's Messenger ﷺ about it. He said, "Buy and manumit her as the *Walā'* is for the liberator."

٢٥٦٤ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أخبرَنا مالكٌ، عَنْ يَحْيى بنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ: أنَّ بَرِيرَةَ جاءَتْ تَسْتَعِينُ عائِشَةَ أُمَّ المُؤْمِنِينَ رَضِيَ اللهُ عَنْها، فَقالَتْ لَهَا: إنْ أحَبَّ أهْلُكِ أنْ أصُبَّ لَهُمْ ثَمَنَكِ صَبَّةً واحِدَةً وَأُعْتِقَكِ فَعَلْتُ. فَذَكَرَتْ بَرِيرَةُ ذٰلكَ لأهْلِها فَقالُوا: لا، إلَّا أنْ يَكُونَ الوَلاَءُ لَنا، قالَ مالكٌ: قالَ يَحْيى: فَزَعَمَتْ عَمْرَةُ أنَّ عائِشَةَ ذَكَرَتْ ذٰلكَ لِرَسُولِ اللهِ ﷺ فَقالَ: «اشْتَرِيها وأعْتِقِيها، فإنَّما الوَلاءُ لِمَنْ أعْتَقَ». [راجع: ٤٥٦]

(5) CHAPTER. If a *Mukātab* slave asks somebody to buy and free him, it is permissible for that person to buy him.

(٥) بابٌ إذَا قالَ المُكاتَبُ: اشْتَرِنِي وأعْتِقْنِي، فاشْتَرَاهُ لِذٰلكَ

2565. Narrated 'Abdul Wāḥid bin Aiman: I went to 'Āishah رَضِيَ اللهُ عَنْها and said, "I was the slave of Utba bin Abū Lahab. 'Utba died and his sons became my masters who sold me to Ibn Abū 'Amr who manumitted me. The sons of 'Utba stipulated that my *Walā'* should be for them." 'Āishah said, "Barīra came to me and she was given the writing of emancipation by her masters and she asked me to buy and manumit her. I agreed to it, but Barīra told me that her masters would not sell her unless her *Walā'* will be for them." 'Āishah said, "I am not in need of that." When the Prophet ﷺ heard that, or he was told about it, he asked 'Āishah about it. 'Āishah mentioned what Barīra had told her. The Prophet ﷺ said, "Buy and manumit her

٢٥٦٥ - حَدَّثَنَا أبُو نُعَيم: حدَّثَنا عَبْدُ الوَاحِدِ بنُ أيْمَنَ عَن أبِيهِ قَالَ: دَخَلْتُ عَلى عائِشَةَ رَضِيَ اللهُ عَنْها فَقُلْتُ: كُنْتُ غُلاماً لِعُتْبَةَ بنِ أبي لَهَبٍ وماتَ وَوَرِثَنِي بَنُوهُ، وَإنَّهُمْ باعُونِي مِنِ ابنِ أبي عَمْرٍو فاعتقني ابن، واشْتَرَطَ بَنُو عُتْبَةَ الوَلاءَ فَقالَتْ: دَخَلَتْ بَرِيرَةُ وهِيَ مُكاتَبَةٌ فَقالَتْ: اشْتَرِيني فَأَعْتِقِيني. قالَتْ: نَعَمْ، قالَتْ: لا يَبِيعُونِي حتَّى يَشْتَرِطُوا وَلائي. فَقالَتْ: لا حاجَةَ

and let them stipulate whatever they like." So, 'Āishah bought and manumitted her and her masters stipulated that her *Walā'* should be for them. The Prophet ﷺ said, "The *Walā'* will be for the liberator even if they stipulated a hundred conditions."

لي بِذلكَ، فَسَمعَ بِذلكَ النَّبيُّ ﷺ - أوْ بَلَغَهُ - فَذَكَرَ ذَلِكَ لعائِشَةَ، فَذَكَرَتْ عائِشَةُ ما قالَتْ لهَا، فَقالَ: «اشْتريها فَأَعْتِقِيها ودَعِيهِمْ يَشْترِطُوا ما شاؤُا» فاشْتَرَتْها عائِشَةُ فأعْتَقَتْها واشْتَرَطَ أهْلُها الوَلاءَ. فَقالَ النَّبيُّ ﷺ: «الوَلاءُ لمَنْ أعْتَقَ وإنِ اشْتَرَطُوا مِائَةَ شَرْطٍ».

51 - THE BOOK OF GIFTS AND THE SUPERIORITY OF GIVING GIFTS AND THE EXHORTATION FOR GIVING GIFTS

٥١ - كتاب الهبة وفضلها والتحريض عليها

(1) CHAPTER. Superiority of giving gifts.

(١) باب فضل الهبة

2566. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "O Muslim women! None of you should look down upon the gift sent by her she-neighbour even if it were the trotters of the sheep (fleshless part of legs)."

٢٥٦٦ - حَدَّثَنَا عاصِمُ بنُ عَلِيٍّ: حدَّثَنا ابنُ أبي ذِئْبٍ، عَنِ المَقْبُرِيِّ، عَنْ أَبيهِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «يا نِساءَ المُسْلِماتِ، لا تَحْقِرَنَّ جارَةٌ لِجارَتِها ولَوْ فِرْسِنَ شاةٍ». [انظر: ٦٠١٧]

2567. Narrated 'Urwa: 'Āishah رَضِيَ اللهُ عَنْها said to me, "O my nephew! We used to see the crescent, and then the crescent in this way we saw three crescents in two months and no fire (for cooking) used to be made in the houses of Allāh's Messenger ﷺ. I said, "O my aunt! Then what use to sustain you?" 'Āishah said, "The two black things: dates and water, our neighbours from *Anṣār* had some *Manā'iḥ*[1] and they used to present Allāh's Messenger ﷺ some of their milk and he used to make us drink."

٢٥٦٧ - حَدَّثَنَا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ الأُوَيْسِيُّ: حدَّثَنا ابنُ أبي حازِمٍ، عَنْ أَبيهِ، عَنْ يَزِيدَ بنِ رُومانَ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّها قالَتْ لِعُرْوَةَ: ابنَ أُخْتِي، إنْ كُنَّا لَنَنْظُرُ إلى الهِلالِ، ثُمَّ الهِلالِ ثَلاثَةَ أَهِلَّةٍ في شَهرَيْنِ وما أُوقِدَتْ في أَبْياتِ رَسُولِ اللهِ ﷺ نارٌ، فَقُلْتُ: يا خالَةُ، ما كانَ يُعِيشُكُمْ؟ قالَت: الأَسْوَدانِ: التَّمْرُ والمَاءُ، إلَّا أَنَّهُ قَدْ كانَ لِرَسُولِ اللهِ ﷺ جِيْرَانٌ مِنَ الأَنْصارِ كانَتْ لَهُمْ مَنائِحُ، وكانُوا يَمْنَحُونَ رَسُولَ اللهِ ﷺ مِنْ أَلْبانِهِمْ فَيَسْقِيْنا. [انظر: ٦٤٥٨، ٦٤٥٩]

(2) CHAPTER. Giving a little as a gift.

(٢) بابُ القَلِيلِ مِنَ الهِبَةِ

(1) (Ch. 2567) *Manā'ih* is the plural of *Manīḥa*, which means a special sort of gift in the form of a she-camel or a sheep which is given temporarily so that its milk may be used and then it is returned to the owner.

2568. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "I shall accept the invitation even if I were invited to a meal of a sheep's trotter, and I shall accept the gift even if it were an arm or a trotter of a sheep."

٢٥٦٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حدَّثَنا ابنُ أبي عَدِيٍّ، عَنْ شُعْبَةَ، عَنْ سُلَيمانَ، عَنْ أبي حازِمٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «لَوْ دُعِيتُ إلى ذِرَاعٍ أوْ كُرَاعٍ لأجَبْتُ، ولَوْ أُهْدِيَ إليَّ ذِرَاعٌ أوْ كُرَاعٌ لَقَبِلْتُ». [انظر: ٥١٧٨]

(3) CHAPTER. Whoever asks his friends to grant him a gift.

(٣) بابٌ مَنِ اسْتَوْهَبَ مِنْ أصْحَابِهِ شَيْئاً

Narrated Abū Sa'īd that the Prophet ﷺ said, "Assign a share for me with you."

وقالَ أبُو سَعِيدٍ: قالَ النَّبِيُّ ﷺ: «اضْرِبُوا لِي مَعَكُمْ سَهْماً».

2569. Narrated Sahl رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ sent for a woman from the emigrants and she had a slave who was a carpenter. The Prophet ﷺ said to her "Order your slave to prepare the wood (pieces) for the pulpit." So, she ordered her slave who went and cut the wood from the tamarisk and prepared the pulpit for the Prophet ﷺ. When he finished the pulpit, the woman informed the Prophet ﷺ that it had been finished. The Prophet ﷺ asked her to send that pulpit to him, so they brought it. The Prophet ﷺ lifted it and placed it at the place in which you see now."

٢٥٦٩ - حَدَّثَنَا ابنُ أبي مَرْيَمَ: حدَّثَنا أبُو غَسَّانَ قالَ: حدَّثَني أبُو حازِمٍ، عَنْ سَهْلٍ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبِيَّ ﷺ أرْسَلَ إلى امْرَأةٍ مِنَ المُهاجِرِينَ وكانَ لَها غُلامٌ نَجَّارٌ، قالَ لَها: «مُرِي عَبْدَكِ فَلْيَعْمَلْ لَنا أعْوَادَ المِنْبَرِ». فأمَرَتْ عَبْدَها فَذَهَبَ فَقَطَعَ مِنَ الطَّرْفاءِ فَصَنَعَ لَهُ مِنْبراً. فَلَمَّا قَضاهُ أرْسَلَتْ إلى النَّبِيِّ ﷺ أنَّهُ قَدْ قَضاهُ، قالَ ﷺ: «أرْسِلي بِهِ إليَّ»، فَجاؤُوا بِهِ فاحْتَمَلَهُ النَّبِيُّ ﷺ فَوَضَعَهُ حَيْثُ تَرَوْنَ. [راجع: ٣٧٧]

2570. Narrated 'Abdullāh bin Abū Qatāda Al-Aslamī that his father رَضِيَ اللهُ عَنْهُ said, "One day I was sitting with some of the Prophet's companions on the way to Makkah. Allāh's Messenger ﷺ was ahead of us. All of my companions were in the state of *Iḥrām* while I was a non-*Muhrim*. They saw an onager while I was busy repairing my

٢٥٧٠ - حَدَّثَنَا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ قالَ: حدَّثَني مُحَمَّدُ بنُ جَعْفَرٍ، عَنْ أبي حازِمٍ، عَنْ عَبْدِ اللهِ بنِ أبي قَتادَةَ السَّلَمِيِّ، عَنْ أبِيهِ رَضِيَ اللهُ عَنْهُ قالَ: كُنْتُ يَوْماً جالِساً مَعَ

رِجالٍ مِنْ أصحَابِ النَّبيِّ ﷺ في مَنزِلٍ في طَرِيقِ مَكَّةَ، ورَسُولُ اللهِ ﷺ نازِلٌ أمامَنا والقَوْمُ مُحْرِمُونَ وأنا غيرُ مُحْرِمٍ، فأبْصَرُوا حِماراً وَحْشِيّاً، وأنا مَشْغُولٌ أخْصِفُ نَعْلي فَلَمْ يُؤْذِنُوني بهِ، وأحَبُّوا لَوْ أنِّي أبْصَرْتُهُ، فالتفتُّ فأبْصَرْتُهُ فَقُمْتُ إلى الفَرَسِ فأسْرَجْتُهُ ثُمَّ رَكِبْتُ ونَسِيتُ السَّوْطَ والرُّمْحَ، فَقُلْتُ لهُمْ: ناوِلُوني السَّوْطَ والرُّمْحَ، فَقالُوا: لا، واللهِ لا نُعِينُكَ عَلَيْهِ بِشَيْءٍ. فَغَضِبْتُ فَنَزَلْتُ فأخَذْتُهُما ثُمَّ رَكِبْتُ فَشَدَدْتُ عَلى الحِمارِ فَعَقَرْتُهُ ثُمَّ جِئْتُ بهِ وقَدْ ماتَ فَوَقَعُوا فِيهِ يَأكُلُونَهُ، ثُمَّ إنَّهُمْ شَكُّوا في أكْلِهِمْ إيَّاهُ وهُمْ حُرُمٌ، فَرُحْنا وخَبَأْتُ العَضُدَ مَعِي. فأدْرَكْنا رَسُولَ اللهِ ﷺ فَسَألْناهُ عَنْ ذٰلكَ فَقالَ: «مَعَكُمْ مِنْهُ شَيْءٌ؟» فَقُلْتُ: نَعَمْ، فَناوَلْتُهُ العَضُدَ فأكَلَها حَتَّى نَفَّدَها وهُوَ مُحْرِمٌ. فَحَدَّثَني بهِ زَيْدُ بنُ أسْلَمَ، عَنْ عَطاءِ بنِ يَسارٍ، عَنْ أبي قَتادَةَ عَنِ النَّبيِّ ﷺ.

[راجع: ١٨٢١]

shoes, so they did not tell me about it but they wished I had seen it. By chance I looked up and saw it. So, I turned to the horse, saddled it and rode on it, forgetting to take the spear and the whip. I asked them if they could hand over to me the whip and the spear but they said, 'No, by Allāh, we shall not help you in that in any way.' I became angry and got down from the horse, picked up both the things and rode the horse again. I attacked the onager and slaughtered it, and brought it. They took it (cooked some of it) and started eating it, but they doubted whether it was allowed for them to eat it or not, as they were in the state of *Iḥrām*. So, we proceeded and I hid with me one of its forelegs. When we met Allāh's Messenger ﷺ and asked him about the case, he asked, 'Do you have a portion of it with you?' I replied in the affirmative and gave him that fleshy foreleg and he ate all of it, while he was in the state of *Iḥrām*."

(٤) بابُ مَنِ استَسْقى،

وقالَ سَهْلٌ: قالَ لِيَ النَّبيُّ ﷺ: «اسْقِني».

(4) CHAPTER. Whoever asks others to give him water.

٢٥٧١ - حَدَّثَنا خالِدُ بنُ مَخْلَدٍ: حدَّثَنا سُلَيمانُ بنُ بِلالٍ: حدَّثَني أبُو طُوَالَةَ - اسْمُهُ: عَبْدُ اللهِ بنُ عبدِ

2571. Narrated Anas رَضِيَ اللهُ عَنْهُ: Once Allāh's Messenger ﷺ visited us in this house of ours and asked for something to drink. We milked one of our sheep and mixed it with water from this well of ours and gave it to

الرحمن - قالَ: سَمِعْتُ أنساً رَضِيَ اللهُ عَنْهُ يَقُولُ: أَتَانا رَسُولُ اللهِ ﷺ في دَارِنا هذِهِ فاسْتَسْقى فَحَلَبْنا لَهُ شاةً لنا، ثُمَّ شُبْتُهُ مِنْ ماءِ بِئْرِنا هذِهِ فأعْطَيْتُهُ، وأبُو بَكْرٍ عَنْ يَسارِهِ وعُمَرُ تُجاهَهُ وأعْرَابيٌّ عَنْ يَمِينِهِ. فَلَمَّا فَرَغَ قالَ عُمَرُ: هذَا أبُو بَكْرٍ، فأعْطَى الأعْرَابيَّ فضلَهُ ثُمَّ قالَ: «الأيْمَنُونَ الأيْمَنُونَ، ألا فَيَمِّنُوا».

قالَ أنَسٌ: فَهِيَ سُنَّةٌ، فَهِيَ سُنَّةٌ، ثَلاثَ مَرَّاتٍ. [راجع: ٢٣٥٢]

him. Abū Bakr was sitting on his left side and 'Umar in front of him and a bedouin on his right side. When Allāh's Messenger ﷺ finished, 'Umar said to Allāh's Messenger ﷺ, "Here is Abū Bakr." But Allāh's Messenger ﷺ gave the remaining milk to the bedouin and said twice, "The (persons on the) right side! So, start from the right side." Anas added, "It is the Prophet's *Sunna*," and repeated it thrice.

(٥) بابُ قَبُولِ هَدِيَّةِ الصَّيْدِ

وقَبِلَ النَّبيُّ ﷺ مِنْ أبي قَتادَةَ عَضُدَ الصَّيْدِ.

(5) CHAPTER. Accepting the gift of game.

The Prophet ﷺ accepted the fleshy fore-leg of the game from Abū Qatāda.

٢٥٧٢ - حَدَّثَنا سُلَيمانُ بنُ حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ هِشامِ بنِ زَيْدِ بنِ أنَسِ ابنِ مالِكٍ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: أَنْفَجْنا أرْنَباً بِمَرِّ الظَّهْرَانِ فَسَعَى القَوْمُ فَلَغِبُوا فأدْرَكْتُها فأخَذْتُها فأتَيْتُ بِها أبا طَلْحَةَ فَذَبَحَها، وبَعَثَ إلى رَسُولِ اللهِ ﷺ: بِوَرِكِها أوْ فَخِذَيْها - قالَ: فَخِذَيْها لا شَكَّ فِيهِ - فَقَبِلَهُ. قُلْتُ: وأكَلَ مِنْهُ؟ قالَ: وأكَلَ مِنْهُ، ثُمَّ قالَ بَعْدُ: قَبِلَهُ.

[انظر: ٥٤٨٩، ٥٥٣٥]

2572. Narrated Anas رَضِيَ اللهُ عَنْهُ: We provoked a rabbit at Marr-az-Zaḥrān till it started jumping and the people ran after it but were exhausted. I overpowered and caught it, and gave it to Abu Ṭalḥā who slaughtered it and sent its hip or two thighs to Allāh's Messenger ﷺ. (The narrator confirms that he sent two thighs). The Prophet ﷺ accepted that. (The subnarrator asked Anas, "Did the Prophet ﷺ eat from it?" Anas replied, "He ate from it.")

(٦) بابُ قَبُولِ الهَدِيَّةِ

٢٥٧٣ - حَدَّثَنا إسماعِيلُ قالَ: حدَّثَني مالِكٌ، عَنِ ابنِ شِهابٍ، عَنْ

(6) CHAPTER. The acceptance of a gift.

2573. Narrated As-Sā'b bin Jaththāma رَضِيَ اللهُ عَنْهُ: An onager was presented to Allāh's Messenger ﷺ at the place called Al-

عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ بنِ عُتْبَةَ بنِ مَسْعُودٍ عَنْ عَبْدِ اللهِ بنِ عَبَّاسٍ، عَنِ الصَّعْبِ بنِ جَثَّامَةَ رَضِيَ اللهُ عَنْهُمْ: أَنَّهُ أَهْدَى لِرَسُولِ اللهِ ﷺ حِماراً وَحْشِيًّا وهُوَ بالأَبْوَاءِ أَو بِوَدَّانٍ فَرَدَّ عَلَيْهِ، فَلَمَّا رَأى ما في وَجْهِهِ قالَ: «أما إنَّا لَمْ نَرُدَّهُ عَلَيْكَ إلا أنَّا حُرُمٌ». [راجع: ١٨٢٥]

Abwā' or Waddān, but Allāh's Messenger ﷺ rejected it. When the Prophet ﷺ noticed the signs of sorrow on the giver's face he said, "We have not rejected your gift, but we are in the state of *Iḥrām*." (i.e., if we were not in a state of *Iḥrām* we would have accepted your gift, *Fatḥ Al-Bārī*).

(٧) بابُ قَبُولِ الهَدِيَّةِ

(7) CHAPTER. The acceptance of a gift.

٢٥٧٤ - حَدَّثَنا إِبْرَاهِيمُ بنُ مُوسَى: حدَّثَنا عَبْدَةُ: حدَّثَنا هِشامٌ، عَنْ أَبِيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أنَّ النَّاسَ كانُوا يَتَحَرَّوْنَ بهدَاياهُمْ يَوْمَ عائِشَةَ يَبْتَغُونَ بِها، أوْ يَبْتَغُونَ بِذلكَ مَرْضَاةَ رَسُولِ اللهِ ﷺ. [انظر: ٢٥٨٠، ٢٥٨١، ٣٧٧٥]

2574. Narrated 'Āishah, رَضِيَ اللهُ عَنْهَا The people used to look forward for the day of my ('Āishah's) turn to send gifts to Allāh's Messenger ﷺ in order to please him.

٢٥٧٥ - حَدَّثَنا آدَمُ: حدَّثَنا شُعْبَةُ: حدَّثَنا جَعْفَرُ بنُ إياسٍ قالَ: سَمِعْتُ سَعِيدَ بنَ جُبَيرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: أَهْدَتْ أُمُّ حُفَيْدٍ خالَةُ ابنِ عَبَّاسٍ إلى النَّبِيِّ ﷺ أَقِطاً وسَمْناً وأَضُبًّا، فأكَلَ النَّبِيُّ ﷺ مِنَ الأَقِطِ والسَّمْنِ وتَرَكَ الأَضُبَّ تَقَذُّراً. قالَ ابنُ عَبَّاسٍ: فأُكِلَ عَلى مائِدَةِ رَسُولِ اللهِ ﷺ ولَوْ كانَ حَرَاماً ما أُكِلَ عَلى مائِدَةِ رَسُولِ اللهِ ﷺ. [انظر: ٥٣٨٩، ٥٤٠٢، ٧٣٥٨]

2575. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا: My aunt Umm Ḥufaid, sent some dried yoghurt (butter free), ghee (clarified butter) and a mastigar (sand lizard) to the Prophet ﷺ as a gift. The Prophet ﷺ ate the dried yoghurt and butter but left the mastigar because he disliked it. Ibn 'Abbās said, "The mastigar was eaten at the table of Allāh's Messenger ﷺ and if it had been illegal to eat, it could not have been eaten at the table of Allāh's Messenger ﷺ."

٢٥٧٦ - حَدَّثَنا إِبْرَاهِيمُ بنُ

2576. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Whenever a meal was brought to Allāh's

Messenger ﷺ, he would ask whether it was a gift or *Ṣadaqa* (something given in charity). If he was told that it was *Ṣadaqa*, he would tell his Companions to eat it, but if it was a gift, he would hurry to share it with them.

الْمُنْذِرِ: حَدَّثَنا مَعْنٌ قالَ: حَدَّثَنِي إِبْرَاهِيمُ بنُ طَهْمانَ، عَنْ مُحَمَّدِ بنِ زِيادٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: كانَ رَسُولُ اللهِ ﷺ إذا أُتِيَ بِطَعامٍ سَأَلَ عَنْهُ: «أَهَدِيَّةٌ أمْ صَدَقَةٌ؟» فإنْ قِيلَ: صَدَقَةٌ. قالَ لأصْحابِهِ: «كُلُوا» ولَمْ يأكُلْ، وإنْ قِيلَ: هَدِيَّةٌ ضَرَبَ بِيَدِهِ ﷺ فأكَلَ مَعَهُمْ.

2577. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Some meat was brought to the Prophet ﷺ and it was said that the meat had been given in charity to Barīra. He said, "It was *Ṣadaqa* (charity) for Barīra but a gift for us."

٢٥٧٧ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حَدَّثَنا غُنْدَرٌ: حَدَّثَنا شُعْبَةُ، عَنْ قَتادَةَ، عَنْ أَنَسِ ابنِ مالِكٍ رَضِيَ اللهُ عَنْهُ قالَ: أُتِيَ النَّبِيُّ ﷺ بِلَحْمٍ، فَقِيلَ: تُصُدِّقَ عَلى بَرِيرَةَ، قالَ: «هُوَ لَها صَدَقَةٌ ولَنا هَدِيَّةٌ». [راجع: ١٤٩٥]

2578. Narrated 'Āishah رَضِيَ اللهُ عَنْها: I intended to buy Barīra but her masters stipulated that her *Wālā'* should be for them. When the Prophet ﷺ was told about it, he said to me, "Buy and manumit her, as the *Wālā'* is for the liberator." Once, Barīra was given some meat, and the Prophet ﷺ asked, "What is this?" I said, "It has been given to Barīra in charity." He said, "It is *Ṣadaqa* (charity) for her but a gift for us." Barira was given the option (to stay with her husband or to part with him). 'Abdur-Rahman (a subnarrator) wondered, "Was her husband a slave or a free man?" Shu'ba (another subnarrator) said, "I asked 'Abdur-Raḥmān whether her husband was a slave or a free man. He replied that he did not know whether he was a slave or a free man."

٢٥٧٨ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حَدَّثَنا غُنْدَرٌ، حَدَّثَنا شُعْبَةُ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ القاسِمِ قالَ: سَمِعْتُهُ مِنْهُ عَنِ القاسِمِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أنَّها أرادَتْ أنْ تَشْتَرِيَ بَرِيرَةَ وأنَّهُمُ اشْتَرَطُوا ولاءَها، فَذُكِرَ لِلنَّبِيِّ ﷺ فَقالَ النَّبِيُّ ﷺ: «اشْتَرِيها فأعْتِقِيها، فإنَّما الوَلاءُ لِمَنْ أعْتَقَ». وأُهْدِيَ لَها لَحْمٌ فَقالَ النَّبِيُّ ﷺ: ما هٰذا قُلْتُ: تُصُدِّقَ عَلى بَرِيرَةَ، فقال: «هُوَ لَها صَدَقَةٌ ولَنا هَدِيَّةٌ». وخُيِّرَتْ بَرِيرَةُ، قالَ عَبْدُ الرَّحْمٰنِ: زَوْجُها حُرٌّ أوْ عَبْدٌ. قالَ شُعْبَةُ: سَأَلْتُ عَبْدَ الرَّحْمٰنِ عَنْ

زَوْجِها قال: لا أَدْرِي أَحُرٌّ أَمْ عَبْدٌ؟.

[راجع: ٤٥٦]

2579. Narrated Umm 'Aṭīyya رَضِيَ اللهُ عَنْها: Once the Prophet ﷺ went to 'Āishah and asked her whether she had something (to eat). She said that she had nothing except the mutton which Umm 'Aṭīyya had sent to (Barīra) in charity. The Prophet ﷺ said that it had reached its destination (i.e., it is no longer an object of charity.)

٢٥٧٩ - حَدَّثَنا مُحَمَّدُ بنُ مُقاتِلٍ أَبُو الحَسَنِ: أَخْبَرَنا خالِدُ بنُ عَبْدِ اللهِ، عَنْ خالِدٍ الْحَذَّاءِ، عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنْ أُمِّ عَطِيَّةَ قالَتْ: دَخَلَ النَّبِيُّ ﷺ عَلى عائِشَةَ رَضِيَ اللهُ عَنْها فَقالَ لَها: «عِنْدَكُمْ شَيْءٌ؟» قالَتْ: لا، إِلَّا شَيْءٌ بَعَثَتْ بِهِ أُمُّ عَطِيَّةَ مِنَ الشَّاةِ الَّتِي بَعَثْتَ إِلَيها مِنَ الصَّدَقَةِ، قالَ: «إنه قَدْ بَلَغَتْ مَحِلَّها». [راجع: ١٤٤٦]

(8) CHAPTER. Whosoever gave a gift to his friend and chose (the time) when he was at the home of some of his wives and did not give it to him, while he was in the homes of his other wives.

(٨) بابٌ مَنْ أَهْدَى إِلى صاحِبِهِ، وتَحرَّى بَعْضَ نِسائِهِ دُونَ بَعْضٍ

2580. Narrated 'Āishah رَضِيَ اللهُ عَنْها: The people used to send gifts to the Prophet ﷺ on the day of my turn. Umm Salama said: "My companions (the wives of the Prophet other than 'Āishah رَضِيَ اللهُ عَنْها) gathered and they complained about it. So I informed the Prophet ﷺ about it on their behalf, but he remained silent.

٢٥٨٠ - حَدَّثَنا سُلَيمانُ بنُ حَرْبٍ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ، عَنْ هِشامٍ، عَنْ أَبِيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ النَّاسُ يَتَحَرَّوْنَ بِهَدَاياهُمْ يَوْمِي، وقالَتْ أُمُّ سَلَمَةَ: إِنَّ صَوَاحِبِي اجْتَمَعْنَ فَذَكَرَتْ لَهُ فأَعْرَضَ عَنها. [راجع: ٢٥٧٤]

2581. Narrated 'Urwa that 'Āishah رَضِيَ اللهُ عَنْها said: The wives of Allāh's Messenger ﷺ were in two groups." 'Urwa added: One group consisted of 'Āishah, Ḥafṣa, Ṣafiyya and Sauda; and the other group consisted of Umm Salama and the other wives of Allāh's Messenger ﷺ. The Muslims knew that Allāh's Messenger loved 'Āishah, so if any

٢٥٨١ - حَدَّثَنا إِسْمَاعِيلُ: قالَ حدَّثَني أَخِي، عَنْ سُلَيمانَ، عَنْ هِشامِ ابنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ نِساءَ رَسُولِ اللهِ ﷺ كُنَّ حِزْبَينِ: فَحِزْبٌ

فِيهِ عائِشَةُ وحَفْصَةُ وصَفِيَّةُ وسَوْدَةُ. والحِزْبُ الآخَرُ: أُمُّ سَلَمَةَ وسائِرُ نِساءِ رَسُولِ اللهِ ﷺ. وكانَ المُسْلِمُونَ قَدْ عَلِمُوا حُبَّ رَسُولِ اللهِ ﷺ عائِشَةَ، فإذا كانَتْ عِنْدَ أحَدِهِمْ هَدِيَّةٌ يُرِيدُ أنْ يُهْدِيَها إلى رَسُولِ اللهِ ﷺ أخَّرَها حتَّى إذا كانَ رَسُولُ اللهِ ﷺ في بَيْتِ عائِشَةَ بَعَثَ صاحِبُ الهَدِيَّةِ إلى رَسُولِ اللهِ ﷺ في بَيْتِ عائِشَةَ، فَكَلَّمَ حِزْبُ أُمِّ سَلَمَةَ فَقُلْنَ لَها: كَلِّمِي رَسُولَ اللهِ ﷺ يُكَلِّمُ النَّاسَ فَيَقُولُ: مَنْ أرادَ أنْ يُهْدِيَ إلى رَسُولِ اللهِ ﷺ هَدِيَّةً فَلْيُهْدِها حَيْثُ كانَ مِنْ نِسائِهِ، فَكَلَّمَتْهُ أُمُّ سَلَمَةَ بِما قُلْنَ فَلَمْ يَقُلْ لَها شَيْئاً، فَسَألْنَها فَقالَتْ: ما قالَ لِي شَيْئاً، فَقُلْنَ لَها: فَكَلِّمِيهِ. قالَتْ: فَكَلَّمَتْهُ حِينَ دارَ إلَيها أيْضاً فلَمْ يَقُلْ لَها شَيْئاً. فَسَألْنَها فَقالَتْ: ما قالَ لِي شَيْئاً، فَقُلْنَ لَها: كَلِّمِيهِ حتَّى يُكَلِّمَكِ. فَدارَ إلَيها فَكَلَّمَتْهُ فَقالَ لَها: «لا تُؤْذِينِي في عائِشَةَ، فإنَّ الوَحْيَ لَمْ يَأْتِنِي وأنا في ثَوْبِ امْرَأةٍ إلَّا عائِشَةَ». قالَتْ: فَقُلْتُ: أتُوبُ إلى اللهِ مِنْ أذاكَ يا رَسُولَ اللهِ. ثُمَّ إنَّهُنَّ دَعَوْنَ فاطِمَةَ بِنْتَ رَسُولِ اللهِ ﷺ فأرسَلْتُ إلى رَسُولِ اللهِ ﷺ تَقُولُ: إنَّ نِساءَكَ يَنْشُدْنَكَ اللهَ العَدْلَ في بِنْتِ أبي بَكْرٍ،

of them had a gift and wished to give to Allāh's Messenger ﷺ, he would delay it till Allāh's Messenger ﷺ had come to 'Āishah's home and then he would send his gift to Allāh's Messenger ﷺ in her home. The group of Umm Salama discussed the matter together and decided that Umm Salama should request Allāh's Messenger ﷺ to tell the people to send their gifts to him in whatever wife's house he was. Umm Salama told Allāh's Messenger ﷺ of what they had said, but he did not reply. Then they (those wives) asked Umm Salama about it. She said, "He did not say anything to me." They asked her to talk to him again. She talked to him again when she met him on her day, but he gave no reply. When they asked her, she replied that he had given no reply. They said to her, "Talk to him till he gives you a reply." When it was her turn, she talked to him again. He then said to her, "Do not hurt me regarding 'Āishah, as the Divine Revelations do not come to me on any of the beds except that of 'Āishah." On that Umm Salama said, "I repent to Allāh for hurting you." Then the group of Umm Salama called Fāṭima, the daughter of Allāh's Messenger ﷺ and sent her to Allāh's Messenger ﷺ to say to him, "Your wives request to treat them and the daughter of Abū Bakr on equal terms." Then Fāṭima conveyed the message to him. The Prophet ﷺ said, "O my daughter! Don't you love whom I love?" She replied in the affirmative and returned and told them of the situation. They requested her to go to him again, but she refused. They then sent Zainab bint Jaḥsh who went to him and used harsh words saying, "Your wives request you to treat them and the daughter of Ibn Abū Quḥāfa on equal terms." On that she raised her voice and turned to 'Āishah who was sitting and insulted her so much so that

فَكَلَّمَتْهُ فَقالَ: «يا بُنَيَّةُ ألا تُحِبِّينَ ما أُحِبُّ؟» قالَتْ: بَلى، فَرَجَعَتْ إلَيهِنَّ فأخْبَرَتْهُنَّ. فَقُلْنَ: ارْجِعِي إلَيْهِ فأبَتْ أنْ تَرْجِعَ. فأرْسَلْنَ زَيْنَبَ بِنْتَ جَحْشٍ فأتَتْهُ فأغْلَظَتْ وقالَتْ: إنَّ نِساءَكَ يَنْشُدْنَكَ العَدْلَ في بِنْتِ ابنِ أبي قُحافَةَ، فَرَفَعَتْ صَوْتَها حتَّى تَناوَلَتْ عائِشَةَ وهيَ قاعِدَةٌ فَسَبَّتْها حتَّى إنَّ رَسُولَ اللهِ ﷺ لَيَنْظُرُ إلى عائِشَةَ: هَلْ تَكَلَّمُ؟ قالَ: فَتَكَلَّمَتْ عائِشَةُ تَرُدُّ عَلى زَيْنَبَ حتَّى أسكَتَتْها، قالَتْ: فنَظَرَ النَّبيُّ ﷺ إلى عائِشَةَ فَقالَ: «إنَّها بِنْتُ أبي بَكْرٍ». [راجع: ٢٥٧٤]

قالَ البُخارِيُّ: الكَلامُ الأخِيرُ قِصَّةُ فاطِمَةَ، يُذْكَرُ عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ رَجُلٍ: عَنِ الزُّهْرِيِّ، عَنْ مُحَمَّدِ بنِ عَبْدِ الرَّحْمٰنِ. وقالَ أبو مَرْوَانَ، عَنْ هِشامٍ، عَنْ عُرْوَةَ: كانَ النَّاسُ يَتَحَرَّوْنَ بِهدَاياهُمْ يَوْمَ عائِشَةَ. وَعَن هِشَامٍ، عَنْ رَجُلٍ مِنْ قُرَيْشٍ، ورَجُلٍ مِنَ المَوَالي، عَنِ الزُّهْرِيِّ، عَنْ مُحَمَّدِ بنِ عَبْدِ الرَّحْمٰنِ بنِ الحَارِثِ بنِ هِشامٍ، قالَتْ عائِشَةُ: كُنْتُ عِنْدَ النَّبيِّ ﷺ فاسْتَأذَنتْ فاطِمَةُ.

Allāh's Messenger ﷺ looked at 'Āishah to see whether she would retort. 'Āishah started replying to Zainab till she silenced her. The Prophet ﷺ then looked at 'Āishah and said, "She is really the daughter of Abū Bakr."(1)

(٩) بابٌ ما لا يُرَدُّ مِنَ الهَدِيَّةِ

(9) CHAPTER. What sort of presents (gifts) should not be rejected.

٢٥٨٢ - حَدَّثَنَا أبو مَعْمَرٍ: حدَّثنا

2582. Narrated 'Azra bin Thābit Al-

(1) (H. 2581) She is really as honest, wise and well-versed as her father.

عَبْدُ الوَارِثِ، حدَّثَنا عَزْرَةُ بنُ ثابِتٍ الأنْصارِيُّ قالَ: حدَّثَني ثُمامَةُ بنُ عَبْدِ اللهِ قالَ: دَخَلْتُ عَلَيْهِ فَناوَلَني طِيباً قالَ: كانَ أنَسٌ رَضِيَ اللهُ عَنْهُ لا يَرُدُّ الطِّيبَ. قالَ: وزَعَمَ أنَسٌ أنَّ النَّبِيَّ ﷺ كانَ لا يَرُدُّ الطِّيبَ. [انظر: ٥٩٢٩]

Anṣārī: When I went to Thumama bin 'Abdullāh, he gave me some perfume and said that Anas would not reject the gifts of perfume. Anas said: The Prophet ﷺ used not to reject the gifts of perfume.

(١٠) بابٌ مَنْ رَأى الهِبَةَ الغائِبَةَ جائِزَةً

(10) CHAPTER. Whoever thinks that it is permissible to give as a gift, something not present.

٢٥٨٣، ٢٥٨٤ - حَدَّثَنا سَعِيدُ بنُ أبي مَرْيَمَ: حدَّثَنا اللَّيْثُ قالَ: حدَّثَني عُقَيْلٌ، عَنِ ابنِ شِهابٍ قالَ: ذَكَرَ عُرْوَةُ أنَّ المِسْوَرَ بنَ مَخرَمَةَ رَضِيَ اللهُ عَنْهُما ومَرْوَانَ أخْبَراهُ: أنَّ النَّبِيَّ ﷺ حِينَ جاءَهُ وَفْدُ هَوازِنَ قامَ في النَّاسِ فأثْنَى عَلى اللهِ بِما هُوَ أهْلُهُ، ثُمَّ قالَ: «أمَّا بَعْدُ، فإنَّ إخْوَانَكُمْ جاؤُنا تائِبِينَ وَإنِّي رَأيْتُ أنْ أرُدَّ إلَيهِمْ سَبْيَهُمْ، فَمَنْ أحَبَّ مِنْكُمْ أنْ يُطَيِّبَ ذٰلكَ فَلْيَفْعَلْ، ومَنْ أحَبَّ أنْ يَكُونَ عَلى حَظِّهِ حتَّى نُعْطِيَهُ إيَّاهُ مِنْ أوَّلِ ما يُفِيءُ اللهُ عَلَيْنا. فَقالَ النَّاسُ: طَيَّبْنا لكَ. [راجع: ٢٣٠٧، ٢٣٠٨]

2583, 2584. Narrated Al-Miswar bin Makhrama رَضِيَ اللهُ عَنْهُما and Marwān: When the delegates of the tribe of Hawāzin came to the Prophet ﷺ, he stood up amongst the people, glorified and praised Allāh as He deserved, and said, "Then after: Your brethren have come to you with repentance and I see it logical to return to them their captives; so whoever amongst you likes to do that as a favour, then he can do it, and whoever of you likes to stick to his share till we give him his right from the very first *Fai'* (war booty)[1] which Allāh will bestow on us, then (he can do so)." The people replied, "We do that (to return the captives) willingly as a favour for your sake."

(١١) بابُ المُكافَأةِ في الهِبَةِ

(11) CHAPTER. Compensation for a gift.

٢٥٨٥ - حَدَّثَنا مُسَدَّدٌ: حدَّثَنا عِيسَى ابنُ يُونُسَ، عَنْ هِشامٍ، عَنْ

2585. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Allāh's Messenger ﷺ used to accept gifts and used to give something in return.

(1) (H. 2583) *Fai'*: See glossary.

أبيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ رَسُولُ اللهِ ﷺ يَقْبَلُ الهَدِيَّةَ ويُثِيبُ عَلَيها. لَمْ يَذْكُرْ وكِيعٌ وَمُحاضِرٌ، عَنْ هِشامٍ، عَنْ أبيهِ، عَنْ عائِشَةَ.

(12) CHAPTER. Giving gifts to one's sons.

(١٢) بابُ الهِبَةِ للوَلَدِ

If somebody gives something to some of his sons then it is not permissible unless he does justice to all of his sons and gives the same to the other sons equally, but no one has the right to bear witness to what one's father does. The Prophet ﷺ said, "Do justice when giving a gift to your children." Is it permissible for the father to demand back the gift which he has given to his children? What one can eat from one's son's property? One can eat reasonably without extravagance. And the Prophet ﷺ bought a camel from 'Umar and gave it to Ibn 'Umar and said, "Dispose it as you like."

وإذَا أعْطَى بَعْضَ ولَدِهِ شَيْئاً لَمْ يَجُزْ حتَّى يَعْدِلَ بَيْنَهُمْ ويُعْطِي الآخَرَ مِثْلَهُ ولا يُشْهَدُ عَلَيْهِ. وقالَ النَّبِيُّ ﷺ: «اعْدِلُوا بَيـنَ أوْلادِكُـمْ في العَطِيَّةِ». وهَلْ للوَالِدِ أنْ يَرْجِعَ في عَطِيَّتِهِ؟ وما يأكُلُ مِنْ مالِ ولَدِهِ بالمَعْرُوفِ ولا يَتَعَدَّى. واشْتَرَى النَّبِيُّ ﷺ مِنْ عُمَرَ بَعِيراً ثُمَّ أعْطاهُ ابنَ عُمَرَ وقالَ: «اصْنَع بِهِ ما شِئْتَ».

2586. Narrated An-Nu'mān bin Bashīr that his father took him to Allāh's Messenger ﷺ and said, "I have given this son of mine a slave." The Prophet ﷺ asked, "Have you given all your sons the like?" He replied in the negative. The Prophet ﷺ said, "Take back your gift then."

٢٥٨٦ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخبرَنا مالكٌ، عَنِ ابنِ شِهابٍ، عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، ومُحَمَّدِ بنِ النُّعْمانِ بنِ بَشِيرٍ: أنَّهُما حدَّثَاهُ عَنِ النُّعْمانِ بنِ بَشِيرٍ: أنَّ أباهُ أتَى بِهِ إلى رَسُولِ اللهِ ﷺ فَقالَ: إنِّي نَحَلْتُ ابْنِي هذَا غُلاماً، فَقالَ: «أكُلَّ ولَدِكَ نَحَلْتَ مِثْلَهُ؟» قالَ، لا، قالَ: «فارْجِعْهُ». [انظر: ٢٥٨٧، ٢٦٥٠]

(13) CHAPTER. The witnesses for *Al-Hibah* (the gifts).

(١٣) بابُ الإشْهادِ في الهِبَةِ

2587. Narrated 'Āmir: I heard An-Nu'mān bin Bashīr رَضِيَ اللهُ عَنْهُما on the

٢٥٨٧ - حَدَّثَنا حامِدُ بنُ عُمَرَ:

pulpit saying, "My father gave me a gift but 'Amra bint Rawāḥa (my mother) said that she would not agree to it unless he made Allāh's Messenger ﷺ as a witness to it. So, my father went to Allāh's Messenger ﷺ and said, 'I have given a gift to my son from 'Amra bint Rawāḥa, but she ordered me to make you as a witness to it, O Allāh's Messenger!' Allāh's Messenger ﷺ asked, 'Have you given (the like of it) to everyone of your sons?' He replied in the negative. Allāh's Messenger ﷺ said, 'Be afraid of Allāh, and be just to your children.' My father then returned and took back his gift."

حدَّثنا أبُو عَوَانَةَ، عَنْ حُصَينٍ، عَنْ عامِرٍ قالَ: سَمِعْتُ النُّعْمانَ بنَ بَشِيرٍ رَضِيَ اللهُ عَنْهُما وهُوَ عَلى المِنْبَرِ يَقُولُ: أعْطاني أبي عَطِيَّةً، فَقالَتْ عَمْرَةُ بِنْتُ رَوَاحَةَ: لا أرْضَى حتَّى تُشْهِدَ رَسُولَ اللهِ ﷺ، فأتَى رَسُولَ اللهِ ﷺ، فَقالَ: إنِّي أعْطَيْتُ ابْني مِنْ عَمْرَةَ بِنْتِ رَوَاحَةَ عَطِيَّةً فأمَرَتْني أنْ أُشْهِدَكَ يا رَسُولَ اللهِ، قالَ: «أعْطَيْتَ سائِرَ ولَدِكَ مِثْلَ هذَا؟» قالَ: لا، قالَ: «فاتَّقُوا اللهَ واعْدِلُوا بَينَ أوْلادِكُمْ». قالَ: فَرَجَعَ فَرَدَّ عَطِيَّتَهُ.

[راجع: ٢٥٨٦]

(14) CHAPTER. Giving gifts by a husband to his wife, and by a wife to her husband.

(١٤) بابُ هِبَةِ الرَّجُلِ لامْرَأتِهِ والمَرْأةِ لِزَوجِها

Ibrāhīm said, "It is permissible." 'Umar bin 'Abdul 'Azīz said, "None of them can take his gift back." The Prophet ﷺ took permission from his wives to let him stay with 'Āishah during his illness. The Prophet ﷺ said, "A person who takes back his gift (what he donates) is like a dog that swallows back its vomit." Az-Zuhrī said, "If a husband askes his wife to remit all or some of the *Mahr* (bridal money), and shortly after her consent he divorces her whereupon she demands what she has given up, then he should pay back her gift, if he has deceived her. But if she has given her free consent willingly and the man has meant no deception, the gift is valid, for Allāh تعالى says:

"... But if they, of their own good pleasure, remit any part of it to you..." (V.4:4)

قالَ إبْرَاهِيمُ: جائِزَةٌ، وقالَ عُمَرُ بنُ عَبْدِ العَزِيزِ لا يَرْجِعانِ. واسْتَأذَنَ النَّبِيُّ ﷺ نِساءَهُ في أنْ يُمَرَّضَ في بَيْتِ عائِشَةَ. وقالَ النَّبِيُّ ﷺ: «العائِدُ في هِبَتِهِ كالكَلْبِ يَعُودُ في قَيْئِهِ». وقالَ الزُّهْرِيُّ فِيمَنْ قالَ لامْرَأتِهِ: هَبِي لي بَعْضَ صَدَاقِكَ أوْ كُلَّهُ، ثُمَّ لَمْ يَمْكُثْ إلَّا يَسِيراً حتَّى طَلَّقَها فَرَجَعَتْ فِيهِ، قالَ: يَرُدُّ إلَيها إنْ كانَ خَلَبَها؛ وإنْ كانَتْ أعْطَتْهُ عَنْ طِيبِ نَفْسٍ لَيْسَ في شَيْءٍ مِنْ أمْرِهِ خَدِيعَةٌ جازَ، قالَ اللهُ تَعالى: ﴿فَإِن طِبْنَ لَكُمْ عَن شَيْءٍ مِّنْهُ نَفْسًا﴾ [النساء: ٤].

2588. Narrated Az-Zuhrī: 'Ubaidullāh bin 'Abdullāh told me that 'Āishah رَضِيَ الله عَنها had said, "When the Prophet ﷺ became sick and his condition became serious, he requested his wives to allow him to be treated in my house, and they allowed him. He came out leaning on two men while his feet were dragging on the ground. He was walking between Al-'Abbās and another man." 'Ubaidullāh said, "When I informed Ibn 'Abbās of what 'Āishah had said, he asked me whether I knew who was the second man whom 'Āishah had not named. I replied in the negative. He said, 'He was 'Alī bin Abī Ṭālib.'"

٢٥٨٨ - حَدَّثَنَا إبرَاهِيمُ بنُ مُوسَى: أخْبرَنا هِشامٌ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ قالَ: أخْبرَني عُبَيْدُ اللهِ بنُ عَبْدِ اللهِ: قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها: لَمَّا ثَقُلَ النَّبِيُّ ﷺ فاشْتَدَّ وَجَعُهُ اسْتَأذَنَ أزْوَاجَهُ أنْ يُمَرَّضَ في بَيْتِي فأذِنَّ لَهُ، فَخَرَجَ بَينَ رَجُلَينِ تَخُطُّ رِجْلاهُ الأرْضَ، وكانَ بَينَ العَبَّاسِ وبَينَ رَجُلٍ آخَرَ، فَقالَ عُبَيْدُ اللهِ: فَذَكَرْتُ لابنِ عَبَّاسٍ ما قالَتْ عائِشَةُ فَقالَ لي: وهَلْ تَدْري مَنِ الرَّجُلُ الَّذي لَمْ تُسَمِّ عائِشَةُ؟ قُلْتُ: لا، قالَ: هُوَ عليُّ ابنُ أبي طالِبٍ. [راجع: ١٩٨]

2589. Narrated Ibn 'Abbās رَضِيَ الله عَنهُما: The Prophet ﷺ said, "One who takes back his gift (which he has already given) is like a dog that swallows its vomit."

٢٥٨٩ - حَدَّثَنَا مُسْلِمُ بنُ إبْرَاهِيمَ: حدَّثَنا وُهَيْبٌ: حدَّثَنا ابنُ طاوُسٍ، عَنْ أبيهِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبِيُّ ﷺ: «العائِدُ في هِبَتِهِ كالكَلْبِ يَقِيءُ ثُمَّ يَعُودُ في قَيْئِهِ». [انظر: ٢٦٢١، ٢٦٢٢، ٦٩٧٥]

(15) CHAPTER. It is permissible for a woman to give gifts to somebody other than her husband and to free her slaves in the lifetime of her husband provided that she is not weak-minded. If she is weak-minded, then it is not permissible.

Allāh تعالى says:

"And give not unto the foolish your property..." (V.4:5)

(١٥) بابُ هِبَةِ الْمَرْأةِ لِغَيرِ زَوْجِها، وعِتْقِها إذَا كانَ لَها زَوْجٌ فَهُوَ جائِزٌ إذَا لَمْ تَكُنْ سَفِيهَةً. فإذَا كانَتْ سَفِيهَةً لَمْ يَجُزْ، وَقالَ اللهُ تَعالى: ﴿وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ﴾ [النساء: ٥].

2590. Narrated Asmā' رَضِيَ الله عَنها: Once I said, "O Allāh's Messenger! I have no

٢٥٩٠ - حَدَّثَنَا أبُو عاصِمٍ، عَنِ

ابنِ جَريرٍ، عَنِ ابنِ أبي مُلَيْكَةَ، عَنْ عَبَّادِ بنِ عَبْدِ اللهِ، عَنْ أَسماءَ رَضِيَ اللهُ عَنْها قالَتْ: قُلْتُ: يا رَسُولَ اللهِ، ما لي مالٌ إلَّا ما أدْخَلَ عليَّ الزُّبَيرُ، فأتَصَدَّقُ؟ قالَ: «تَصَدَّقي ولا تُوعِي فَيُوعِي اللهُ عَلَيْكِ». [راجع: ١٤٣٤]

property except what has been given to me by Az-Zubair (i.e., her husband). May I give in charity?" The Prophet ﷺ said, "Give in charity and do not withhold it (i.e., wealth) otherwise Allāh withhold it from you."

٢٥٩١ - حَدَّثَنا عُبَيدُ اللهِ بنُ سَعيدٍ: حدَّثنا عَبْدُ اللهِ بنُ نُمَيرٍ: حدَّثَنا هِشامُ بنُ عُرْوَةَ، عَنْ فاطِمَةَ، عَنْ أسْماءَ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «أنْفِقِي ولا تُحْصِي فَيُحْصِيَ اللهُ عَلَيْكِ، ولا تُوعِي فَيُوعِيَ اللهُ عَلَيْكِ». [راجع: ١٤٣٤]

2591. Narrated Asmā' رَضِيَ اللهُ عَنها: Allāh's Messenger ﷺ said, "Give (in charity) and do not withhold your wealth by counting and hoarding it, being afraid that it may be exhausted (by spending in Allāh's Cause) lest Allāh should withhold His Blessings from you; and do not withhold your money lest Allāh should withhold it from you."

٢٥٩٢ - حَدَّثَنا يَحْيى بنُ بُكَيرٍ، عَنِ اللَّيْثِ عن يَزيدَ عن بُكَيْرٍ عن كُرَيْبٍ مَوْلى ابنِ عَبَّاسٍ: أنَّ مَيْمُونَةَ بِنْتَ الحارِثِ رَضِيَ اللهُ عَنْها أخْبَرَتْهُ أنَّها أعْتَقَتْ وَلِيدَةً ولَمْ تَسْتَأذِنِ النَّبِيَّ ﷺ فَلَمَّا كانَ يَوْمُها الَّذي يَدُورُ عَلَيْها فِيهِ قالَتْ: أشَعَرْتَ يا رَسُولَ اللهِ أنِّي أعْتَقْتُ وَلِيدَتي؟ قالَ: «أوَ فَعَلْتِ؟» قالَتْ: نَعَمْ. قالَ: «أما إنَّكِ لَو أعْطَيْتِها أخْوالَكِ، كانَ أعْظَمَ لأجْرِكِ». وقالَ بَكْرُ بْنُ مُضَرَ: عَنْ عَمْرٍو، عَنْ بُكَيرٍ، عَنْ كُرَيْبٍ: أنَّ مَيْمُونَةَ أعْتَقَتْ. [انظر: ٢٥٩٤]

2592. Narrated Kuraib, the freed slave of Ibn 'Abbās رَضِيَ اللهُ عَنْهُما, that Maimūna bint Al-Ḥārith رَضِيَ اللهُ عَنها (the wife of the Prophet ﷺ) said that she manumitted a slave-girl but did not take the permission of the Prophet ﷺ. On her turn when the (Prophet ﷺ) came to her house she said, "Do you know O Allāh's Messenger, that I have manumitted my slave-girl?" He (ﷺ) asked, "Have you (already) done it?" She replied, "Yes." The Prophet ﷺ said, "You would have got more reward if you had given her (i.e., the slave-girl) to one of your maternal uncles."

٢٥٩٣ - حَدَّثَنا حِبَّانُ بنُ مُوسَى: أخْبَرَنا عَبْدُ اللهِ: أخْبَرَنا يُونُسُ، عَنِ

2593. Narrated 'Āishah رَضِيَ اللهُ عَنها: Whenever Allāh's Messenger ﷺ wanted to go on a journey, he would draw lots as to

الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ رَسُولُ اللهِ ﷺ إذَا أرَادَ سَفَراً أقْرَعَ بَينَ نِسائِهِ، فأيَّتُهُنَّ خَرَجَ سَهْمُها خَرَجَ بِها مَعَهُ. وكانَ يَقْسِمُ لِكُلِّ امْرَأةٍ مِنْهُنَّ يَوْمَها ولَيْلَتَها، غيرَ أنَّ سَوْدَةَ بِنْتَ زَمْعَةَ وَهَبَتْ يَوْمَها ولَيْلَتَها لِعائِشَةَ زَوْجِ النَّبيِّ ﷺ تَبْتَغِي بِذٰلِكَ رِضَا رَسُولِ اللهِ ﷺ. [انظر: ٢٦٣٧، ٢٦٦١، ٢٦٨٨، ٢٨٧٩، ٤٠٢٥، ٤١٤١، ٤٦٩٠، ٤٧٤٩، ٤٧٥٠، ٤٧٥٧، ٥٢١٢، ٦٦٦٢، ٦٦٧٩، ٧٣٦٩، ٧٣٧٠، ٧٥٠٠، ٧٥٤٥]

which of his wives would accompany him. He would take her whose name came out. He used to fix for each of them a day and a night. The subnarrator added: "Sauda bint Zam'a gave up her (turn) day and night to 'Āishah, the wife of the Prophet ﷺ in order to seek the pleasure of Allāh's Messenger ﷺ (by that action)."

(١٦) بابٌ: بِمَنْ يُبدأُ بالهَدِيَّةِ؟

(16) CHAPTER. Who is to be given the gift first?

٢٥٩٤ - وقالَ بَكْرٌ، عَنْ عَمْرٍو، عَنْ بُكَيرٍ، عَنْ كُرَيْبٍ مَوْلى ابنِ عَبَّاسٍ: إنّ مَيْمُونَةَ زَوْجَ النَّبيِّ ﷺ أعْتَقَتْ ولِيدَةً لَها، فَقالَ لَها: «ولَوْ وَصَلْتِ بَعْضَ أخْوالِكِ كانَ أعْظَمَ لأجْرِكِ». [راجع: ٢٥٩٢]

2594. Narrated Maimūna, the wife of the Prophet ﷺ that she manumitted her slave-girl and the Prophet ﷺ said to her, "You would have got more reward if you had given the slave-girl to one of your maternal uncles."

٢٥٩٥ - حدَّثني مُحَمَّدُ بنُ بَشّارٍ: حدَّثَنا مُحَمَّدُ بنُ جَعْفَرٍ: حدَّثَنا شُعْبَةُ، عَنْ أبي عِمْرانَ الجَونيِّ، عَنْ طَلْحَةَ بنِ عَبْدِ اللهِ رَجُلٍ مِن بَنِي تَيْمِ بنِ مُرَّةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: قُلْتُ: يا رَسُولَ اللهِ، إنَّ لي جارَيْنِ فإلى أيِّهِما أُهْدِي؟ قالَ: «إلى أقْرَبِهِما مِنْكِ باباً». [راجع: ٢٢٥٩]

2595. Narrated 'Āishah رَضِيَ اللهُ عَنْها: I said, "O Allāh's Messenger! I have two neighbours; which of the two should I give a gift?" The Prophet ﷺ said, "(Give) to the one whose door is nearer to you."

(17) CHAPTER. Whoever refused to accept a present for a certain reason.

(١٧) **بابٌ** مَنْ لَم يَقْبَلِ الهَدِيَّةَ لِعِلَّةٍ

'Umar bin 'Abdul-'Azīz said, "A gift was (really) a gift during the lifetime of Allāh's Messenger ﷺ, but today it is a bribe."

وقالَ عُمَرُ بنُ عَبْدِ العَزيزِ: كانَتِ الهَدِيَّةُ في زَمَنِ رَسُولِ اللهِ ﷺ هَدِيَّةً، واليَوْمَ رِشْوَةٌ.

2596. Narrated 'Abdullāh bin 'Abbās رَضِيَ الله عَنْهُما that he heard As-Sā'b bin Jaththāma Al-Laithī, who was one of the companions of the Prophet ﷺ, saying that he gave the meat of an onager to Allāh's Messenger ﷺ while he was at a place called Al-Abwa' or Waddān, and was in a state of *Iḥrām*. The Prophet ﷺ did not accept it. When the Prophet ﷺ saw the signs of sorrow on As-Sa'b's face because of not accepting his present, he said (to him), "We are not returning your present, but we are in the state of *Iḥrām*."

[See *Ḥadīth* No.2244, 2245]

٢٥٩٦ - حَدَّثَنا أبُو اليمانِ: أخبرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أخْبرَني عُبَيْدُ اللهِ بنُ عَبْدِ اللهِ بنِ عُتْبَةَ: أنَّ عَبْدَ اللهِ بنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أخْبرَهُ أنَّهُ سَمِعَ الصَّعْبَ بنَ جَثَّامَةَ اللَّيْثِيِّ وكانَ مِنْ أصحَابِ النَّبِيِّ ﷺ يُخْبِرُ: أنَّهُ أهْدَى لِرَسُولِ اللهِ ﷺ حمارَ وحْشٍ وهُوَ بالأبْواءِ أوْ بِوَدَّانَ وهُوَ مُحْرِمٌ فَرَدَّهُ. فَقالَ صَعْبٌ: فَلَمَّا عَرَفَ في وَجْهِي رَدَّهُ هَدِيَّتِي قالَ: «لَيْسَ بنا رَدٌّ عَلَيْكَ ولكِنَّا حُرُمٌ». [راجع: ١٨٢٥]

2597. Narrated Abū Humaid As-Sā'idī رَضِيَ الله عَنْهُ: The Prophet ﷺ appointed a man from the tribe of Al-Azd, called Ibn Al-Lutabiyya for collecting the *Zakāt*. When he returned he said, "This (i.e., the *Zakāt*) is for you and this has been given to me as a present." The Prophet ﷺ said, "Why hadn't he stayed in his father's or mother's house to see whether he would be given presents or not? By Him in Whose Hands my soul is, whoever takes something from the resources of the *Zakāt* (unlawfully) will be carrying it on his neck on the Day of Resurrection; if it be a camel, it will be grunting; if a cow, it will be mooing; and if a sheep, it will be bleating." The Prophet ﷺ then raised his hands till we saw the whiteness of his armpits, and he said

٢٥٩٧ - حَدَّثَني عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا سُفْيانُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ بنِ الزُّبَيْرِ، عَنْ أبي حُمَيْدٍ السَّاعِدِيِّ رَضِيَ اللهُ عَنْهُ قالَ: اسْتَعْمَلَ النَّبِيُّ ﷺ رَجُلاً مِنَ الأزْدِ يُقالُ لَهُ: ابنُ اللُّتبيَّة، عَلى الصَّدَقَةِ، فَلَمَّا قَدِمَ قالَ: هذَا لَكُمْ وهذَا أُهْدِيَ لي. قالَ: «فَهَلَّا جَلَسَ في بَيْتِ أبِيهِ أوْ بَيْتِ أُمِّهِ فَيَنْظُرَ أيُهْدَى لَهُ أمْ لا؟ والَّذِي نَفْسِي بِيَدِهِ لا يَأخُذُ أحَدٌ مِنْهُ شَيْئاً إلَّا جاءَ بِهِ يَوْمَ القِيامَةِ يَحْمِلُهُ

عَلى رَقَبَتِهِ: إنْ كانَ بَعِيراً لَهُ رُغاءٌ، أوْ بَقَرَةً لَها خُوارٌ، أوْ شاةً تَيْعَرُ»، ثُمَّ رَفَعَ بِيَدِهِ حتَّى رَأيْنا عُفْرَةَ إبْطَيْهِ: «اللَّهُمَّ هَلْ بَلَّغْتُ، اللَّهُمَّ هَلْ بَلَّغْتُ»، ثَلاثاً. [راجع: ٩٢٥]

thrice, "O Allāh! Haven't I conveyed Your Message (to them)?"

(١٨) **بابٌ إذَا وهَبَ هِبَةً أوْ وعَدَ، ثُمَّ ماتَ قَبْلَ أنْ تَصِلَ إلَيْهِ**

وقالَ عَبِيدَةُ: إنْ ماتَا وكانَتْ فُصِلَتِ الهَدِيَّةُ والمُهْدَى لَهُ حَيٌّ فَهِيَ لِوَرَثَتِهِ. وإنْ لَمْ تَكُنْ فُصِلَتْ فَهِيَ لِوَرَثَةِ الَّذِي أهْدَى. وقالَ الحَسَنُ: أيُّهُما ماتَ قَبْلُ فَهِيَ لِوَرَثَةِ المُهْدَى لَهُ إذَا قَبَضَها الرَّسُولُ.

(18) CHAPTER. If somebody gives somebody else a present, or promises to give him a present, and one of them dies before the gift reaches the other person.

'Ubaida said, "If both the giver and the receiver have died but the present was set aside (i.e., separated) in the lifetime of the receiver, it will be given to his inheritors, and if it was not separated, it will go to the inheritors of the giver." Al-Ḥasan said, "It will be given to the inheritors of the receiver (i.e., to whom the present was meant) no matter who died first, if the gift has been delivered to the messenger."

٢٥٩٨ - حَدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حَدَّثَنا سُفْيانُ: حَدَّثَنا ابنُ المُنْكَدِرِ: سَمِعْتُ جابِراً رَضِيَ اللهُ عَنْهُ قالَ: قالَ لِي النَّبِيُّ ﷺ: «لَوْ جاءَ مالُ البَحْرَيْنِ أعْطَيْتُكَ هٰكَذا» ثَلاثاً. فَلَمْ يَقْدَمْ حتَّى تُوُفِّيَ النَّبِيُّ ﷺ فأرْسَلَ أبُو بَكْرٍ مُنادِياً فَنادَى: مَنْ كانَ لَهُ عِنْدَ النَّبِيِّ ﷺ عِدَةٌ أوْ دَيْنٌ فَلْيَأتِنا، فأتَيْتُهُ فَقُلْتُ: إنَّ النَّبِيَّ ﷺ وعَدَنِي، فَحَثَى لِي ثَلاثاً. [راجع: ٢٢٩٦]

2598. Narrated Jābir رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said to me, "I will give you so much (the Prophet ﷺ pointed thrice with his hands) when the funds of Baḥrain will come to me." But the Prophet ﷺ died before the money reached him. (When it came,) Abū Bakr ordered an announcer to announce that whoever had a money claim on the Prophet ﷺ, or was promised to be given something, should come to Abū Bakr. I went to Abū Bakr and told him that the Prophet ﷺ had promised to give me so much. On that Abū Bakr gave me three handfuls (of money).

(١٩) **بابٌ كَيْفَ يُقْبَضُ العَبْدُ والمَتاعُ؟**

(19) CHAPTER. How to take over the slave and property (given as gifts)?

Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: I was riding a troublesome camel and the Prophet ﷺ bought it and said: "It (this camel) is for you, O 'Abdullāh."

[See *Hadīth* No.2610, 2611].

وقالَ ابنُ عُمَرَ: كُنْتُ عَلى بَكْرٍ صَعْبٍ فاشْتَرَاهُ النَّبِيُّ ﷺ وقالَ: «هُوَ لكَ يا عَبْدَ اللهِ».

2599. Narrated Al-Miswar bin Makhrama رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ distributed some cloaks but did not give anything thereof to Makhrama. Makhrama said (to me), "O son! Accompany me to Allāh's Messenger ﷺ." When I went with him, he said, "Call him to me." I called him (i.e., the Prophet ﷺ) for my father. He ﷺ came out wearing one of those cloaks and said, "We kept this (cloak) for you, (Makhrama)." Makhrama looked at the cloak and said, "Makhrama is pleased," (or the Prophet ﷺ said), "Is Makhrama pleased?"

٢٥٩٩ - حَدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا اللَّيْثُ، عَنِ ابنِ أبي مُلَيْكَةَ، عَنِ المِسْوَرِ بنِ مَخْرَمَةَ رَضِيَ اللهُ عَنْهُما أنه قالَ: قَسَمَ رَسُولُ اللهِ ﷺ أقْبِيَةً ولَمْ يُعْطِ مَخْرَمَةَ مِنْها شَيْئاً فَقالَ مَخْرَمَةُ: يا بُنَيِّ انْطَلِقْ بِنا إلى رَسُولِ اللهِ ﷺ، فانْطَلَقْتُ مَعَهُ فَقالَ: ادْخُلْ فادْعُهُ لي، قَالَ فَدَعَوْتُهُ لهُ فَخَرَجَ إلَيْهِ وعَلَيْهِ قَبَاءٌ مِنْها. فَقالَ: «خَبأْنا هذا لكَ». قالَ: فَنَظَرَ إلَيْهِ فَقالَ: رَضِيَ مَخْرَمَةُ.

(20) CHAPTER. When someone gives something (as a gift) to another person and the receiver takes it into his possession without saying, "I have accepted it."

(٢٠) بابٌ إذَا وهَبَ هِبَةً فَقَبَضَها الآخَرُ ولَمْ يَقُلْ: قَبِلْتُ

2600. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A man came to Allāh's Messenger ﷺ and said, "I am ruined." The Prophet ﷺ asked, "What do you mean?" He said, "I had a sexual intercourse with my wife during Ramaḍan (while observing fast)." The Prophet ﷺ asked him, "Can you manumit a slave?" He replied in the negative. He then asked him, "Can you observe *Ṣaum* (fast) for two successive months continuously?" He replied in the negative. The Prophet ﷺ then asked him, "Can you feed sixty poor persons?" He replied in the negative. In the meantime an *Ansārī* man came with a basket full of dates. The Prophet ﷺ said to the man,

٢٦٠٠ - حَدَّثَنا مُحَمَّدُ بنُ مَحْبُوبٍ: حدَّثَنا عَبْدُ الوَاحِدِ: حدَّثَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: جاءَ رَجُلٌ إلى رَسُولِ اللهِ ﷺ فَقالَ: هَلَكْتُ. فَقالَ: «وما ذَاكَ؟» قالَ: وقَعْتُ بأهْلي في رَمَضانَ. قالَ: «أتَجِدُ رقَبَةً؟» قالَ: لا، قالَ: «فَهَلْ تَسْتَطِيعُ أنْ تَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ؟» قالَ: لا، قالَ:

"Take it and give it in charity (as an expiation of your sin)." The man said, "Should I give it to some people who are poorer than we, O Allāh's Messenger? By Him Who has sent you with the Truth, there is no family between Al-Madīna's two mountains poorer than we." Allāh's Messenger ﷺ told him to take it and provide his family with it."

«فَتَسْتَطِيعُ أَنْ تُطْعِمَ سِتِّينَ مِسْكِيناً؟» قالَ: لا، قالَ: فَجاءَ رَجُلٌ مِنَ الأَنْصارِ بِعَرَقٍ، والعَرَقُ المِكْتَلُ فِيهِ تَمْرٌ، فَقالَ: «اذْهَبْ بِهٰذَا فَتَصَدَّقْ بِهِ». قالَ: عَلى أَحْوَجَ مِنَّا يا رَسُولَ اللهِ؟ والَّذِي بَعَثَكَ بالحَقِّ ما بَيْنَ لابَتَيها أَهْلُ بَيْتٍ أَحْوَجُ مِنَّا، ثُمَّ قالَ: «اذْهَبْ فأَطْعِمْهُ أَهْلَكَ».

[راجع: ١٩٣٦]

(21) CHAPTER. If a creditor gives the debt, due to him, as a gift,

According to Al-Ḥakam, it is permissible.

Al-Ḥasan bin 'Alī رَضِيَ اللهُ عَنْهُما gave up the debt due to him to a man as a gift. The Prophet ﷺ said, "If somebody owes something, he should either repay it or get it remitted." Jābir said, "When my father was martyred, he was in debt. So, the Prophet ﷺ asked his creditors to take the fruits of my garden and forgive my father."

(٢١) بابٌ إذا وَهَبَ دَيْناً على رَجُلٍ

وقالَ: شُعْبَةُ، عَنِ الحَكَمِ: هُوَ جائِزٌ. ووَهَبَ الحَسَنُ بنُ عَلِيٍّ عَلَيْهِما السَّلام دَيْنَهُ لِرَجُلٍ. وقالَ النَّبِيُّ ﷺ: «مَنْ كانَ لَهُ عَلَيْهِ حَقٌّ فَلْيُعْطِهِ أَوْ لِيَتَحَلَّلْهُ مِنْهُ. وقالَ جابِرٌ: قُتِلَ أَبِي وعَلَيْهِ دَيْنٌ فَسَأَلَ النَّبِيُّ ﷺ غُرَماءَهُ أَنْ يَقْبَلُوا ثَمَرَ حائِطِي ويُحَلِّلُوا أَبِي.

2601. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: My father was martyred on the day (of the battle) of Uḥud and his creditors demanded the debt back in a harsh manner. So, I went to Allāh's Messenger ﷺ and informed him of that, he asked them to accept the fruits of my garden and excuse my father, but they refused. So, Allāh's Messenger ﷺ did not give them the fruits, nor did he cut them and distribute it among them, but said, "I will come to you tomorrow morning." So, he came to us the next morning and walked about in between the date-palms and invoked Allāh to bless their fruits. I plucked the fruits and gave back all the rights of the creditors in full, and a lot of fruits were left for us. Then I went to Allāh's

٢٦٠١ - **حَدَّثَنا** عَبْدانُ: أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا يُونُسُ. وقالَ اللَّيْثُ: حدَّثَنِي يُونُسُ، عَنِ ابنِ شِهابٍ أَنَّهُ قالَ: حدَّثَنِي ابنُ كَعْبِ بنِ مالِكٍ: أَنَّ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما أَخْبَرَهُ: أَنَّ أَباهُ قُتِلَ يَوْمَ أُحُدٍ شَهِيداً فاشْتَدَّ الغُرَماءُ في حُقُوقِهِمْ فأَتَيْتُ رَسُولَ اللهِ ﷺ فَكَلَّمْتُهُ فَسَأَلَهُمْ أَنْ يَقْبَلُوا ثَمَرَ حائِطِي، ويُحَلِّلُوا أَبِي فأَبَوْا. فَلَمْ يُعْطِهِمْ رَسُولُ اللهِ ﷺ ولَمْ يَكْسِرْهُ لَهُمْ ولَكِنْ

قالَ: «سَأغْدُو عَلَيْكَ إنْ شَاءَ اللهُ تَعالَى، فَغَدَا عَلَيْنا حِينَ أصْبَحَ فَطافَ في النَّخْلِ فَدَعَا في ثَمَرِهِ بالبَرَكَةِ، فَجَدَدْتُها فَقَضَيْتُهُمْ حَقَّهم وبَقِيَ لَنا مِنْ ثَمَرِها بَقِيَّةٌ. ثُمَّ جِئْتُ رَسُولَ اللهِ ﷺ وهُوَ جالِسٌ فأخْبَرْتُهُ بذلكَ، فَقالَ رَسُولُ اللهِ ﷺ لِعُمَرَ: «اسمَعْ - وهُوَ جالِسٌ - يا عُمَرُ». فَقالَ عُمَرُ: ألا يَكُونُ قَدْ عَلِمْنا أنَّكَ رَسُولُ اللهِ، واللهِ إنَّكَ لَرَسُولُ اللهِ. [راجع: ٢١٢٧]

Messenger ﷺ, who was sitting, and informed him about what happened. Allāh's Messenger ﷺ told 'Umar, who was sitting there, to listen to the story. 'Umar said, "Don't we know that you are Allāh's Messenger? By Allāh! You are Allāh's Messenger!"

(٢٢) بابُ هِبَةِ الوَاحِدِ للجَماعَةِ

وقالَتْ أسمَاءُ للقاسِمِ بنِ مُحَمَّدٍ وابنِ أبي عَتِيقٍ: وَرِثْتُ عَنْ أُخْتِي عائِشَةَ بالغَابَةِ، وقَدْ أعْطاني بهِ مُعاوِيَةُ مِائَةَ ألْفٍ فَهُوَ لَكُما.

(22) CHAPTER. The giving of a gift by one person to a group.

Asmā' said to Al-Qāsim bin Muḥammad and Ibn Abū 'Atīq, "I inherited some land in the forest from my sister 'Āishah, and Mu'āwīya offered me one hundred thousand for it, but I give it to both of you as a gift."

٢٦٠٢ - **حَدَّثَنَا** يَحْيى بنُ قَزَعَةَ: حدَّثَنا مالكٌ، عَنْ أبي حازِمٍ، عَنْ سَهْلِ ابنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبِيَّ ﷺ أُتِيَ بِشَرَابٍ فَشَرِبَ وعَنْ يَمِينِهِ غُلامٌ وعَنْ يَسارِهِ الأشْياخُ، فَقالَ للغُلامِ: «إنْ أذِنْتَ لي أعْطَيْتُ هٰؤُلاءِ»، فَقالَ: ما كُنْتُ لأوثِرَ بنَصِيبِي مِنْكَ يا رَسُولَ اللهِ أحَداً، فَتَلَّهُ في يَدِهِ. [راجع: ٢٣٥١]

2602. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: A drink (of milk mixed with water) was brought to the Prophet ﷺ who drank some of it while a boy was sitting on his right and old men on his left. The Prophet ﷺ said to the boy, "If you permit me, I'll give (the rest of the drink to) these old men first." The boy said, "I will not give preference to anyone over me as regards my share from you, O Allāh's Messenger!" The Prophet ﷺ then put that container in the boy's hand.

[See *Ḥadīth* No.2351]

(٢٣) بابُ الهِبَةِ المَقْبُوضَةِ وغَيرِ المَقْبُوضَةِ، والمَقْسُومَةِ وغَيرِ المَقْسُومَةِ

وقَدْ وَهَبَ النَّبِيُّ ﷺ وأصْحابُهُ

(23) CHAPTER. The received and unreceived gifts, and the divided and undivided gifts.

The Prophet ﷺ and his companions gave to the people of Hawāzin what they had got

from them as war booty, although it had not been divided yet.

لِهَوَازِنَ ما غَنِمُوا مِنْهُمْ وهُوَ غَيرُ مَقْسُومٍ.

2603. Jābir رَضِيَ اللهُ عَنْهُ said, "I went to the Prophet ﷺ in the mosque and he paid me my right and gave me more than he owed me."

٢٦٠٣ - حدَّثني ثابتُ بنُ مُحمدٍ: حدَّثنا مِسْعَرٌ، عَنْ مُحَارِبٍ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ: أتَيْتُ النَّبِيَّ ﷺ في المَسْجِدِ فَقَضَاني وزَادَنِي. [راجع: ٤٤٣]

2604. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما: I sold a camel to the Prophet ﷺ on one of the journeys. When we reached Al-Madīna, he ordered me to go to the mosque and offer two *Rak'ā*. Then he weighed for me (the price of the camel in gold) and gave an extra amount over it. A part of it remained with me till it was taken by the army of Sham on the day of *Ḥarra*."

٢٦٠٤ - حَدَّثَنَا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا غُنْدَرٌ: حدَّثنا شُعْبَةُ، عَنْ مُحَارِبٍ: سَمِعْتُ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما يَقُولُ: بِعْتُ مِنَ النَّبِيِّ ﷺ بَعِيراً في سَفَرٍ، فَلَمَّا أتَيْنا المَدِينَةَ قالَ: «ائْتِ المَسْجِدَ فَصَلِّ رَكْعَتَيْنِ» فَوَزَنَ. قالَ شُعْبَةُ: أُرَاهُ: فَوَزَنَ لي فأرْجَحَ، فَما زَالَ مِنْها شَيْءٌ حتَّى أصَابَها أهْلُ الشَّامِ يَوْمَ الحَرَّةِ. [راجع: ٤٤٣]

2605. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: A drink (of milk mixed with water) was brought to Allāh's Messenger ﷺ while a boy was sitting on his right side and old men were sitting on his left side. He asked the boy, "Will you allow me to give it to these (people)?" The boy said, "No, by Allāh, I will not give preference to anyone over me as regards my share from you." Then the Prophet ﷺ put the bowl in the boy's hand.

٢٦٠٥ - حَدَّثَنَا قُتَيْبَةُ، عَنْ مالِكٍ، عَنْ أبي حازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ أُتيَ بِشَرَابٍ وعَنْ يَمِينِهِ غُلامٌ وعَنْ يَسارِهِ أشْياخٌ، فَقالَ لِلغُلامِ: «أتَأْذَنُ لي أنْ أُعْطِيَ هؤُلاءِ؟» فَقالَ الغُلامُ: لا واللهِ، لا أُوثِرُ بِنَصِيبِي مِنْكَ أحَداً، فَتَلَّهُ في يَدِهِ. [راجع: ٢٣٥١]

2606. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ owed a man some debt (and that man demanded it very harshly).

٢٦٠٦ - حَدَّثَنَا عَبْدُ اللهِ بنُ عُثمانَ ابنِ جَبَلَةَ قالَ: أخْبَرَني أبي،

The companions of the Prophet ﷺ wanted to harm him, but the Prophet ﷺ said to them, "Leave him, as the one who has a right (creditor) has the right to demand it (or speak harshly)." He then added, "Buy (a camel) of the same age and give it to him." They said, "We cannot get except a camel older and better than that of his." He said, "Buy it and give it to him, as the best amongst you is he who pays back his debt in the most handsome way.'

عَنْ شُعْبَةَ، عَنْ سَلَمَةَ قالَ: سَمِعْتُ أبا سَلَمَةَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: كانَ لِرَجُلٍ عَلى رَسُولِ اللهِ ﷺ دَيْنٌ فَهَمَّ بِهِ أصْحابُهُ فَقالَ: «دَعُوهُ فإنَّ لِصاحِبِ الحَقِّ مَقالاً». وقالَ: «اشْتَرُوا لَهُ سِنًّا فأعْطُوها إيَّاهُ»، فَقالُوا: إنَّا لا نَجِدُ سِنًّا إلَّا سِنًّا هِيَ أفْضَلُ مِنْ سِنِّهِ، قالَ: «فاشْتَرُوها فأعْطُوها إيَّاهُ فإنَّ مِنْ خَيرِكُمْ أحْسَنَكُمْ قَضاءً».

[راجع: ٢٣٠٥]

(24) CHAPTER. If a group of persons gives a gift to some people.

(٢٤) بابٌ إذا وَهَبَ جَماعَةٌ لِقَوْمٍ

2607, 2608. Narrated Marwān bin Al-Ḥakam and Al-Miswar bin Makhrama: When the delegates of the tribe of Hawāzin came to the Prophet ﷺ, they requested him to return their property and their captives. He said to them, "As you see, this concerns also other people along with me, and the best statement to me is the true one, so you may choose one of two alternatives; either the captives or the property and (I have not distributed the booty, for) I have been waiting for you." When the Prophet ﷺ had returned from Ṭā'if, he waited for them for more than ten nights. When they came to know that the Prophet ﷺ would not return except one of the two, they chose their captives. The Prophet ﷺ then stood up amongst the Muslims, glorified and praised Allāh as He deserved, and then said, "Then after: These brothers of yours have come to you with repentance (asking for Allāh's Forgiveness), and I see it proper to return their captives. So, whoever amongst you likes

٢٦٠٧، ٢٦٠٨ - حَدَّثَنا يَحْيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ: أنَّ مَرْوانَ بنَ الحَكَمِ والمِسْوَرَ بنَ مَخْرَمَةَ أخْبَرَاهُ أنَّ النَّبيَّ ﷺ قالَ حِينَ جاءَهُ وَفْدُ هَوازِنَ مُسْلِمِينَ، فَسَألُوهُ أنْ يَرُدَّ إلَيهِمْ أمْوالَهُمْ وسَبْيَهُمْ فَقالَ لَهُمْ: «مَعي مَنْ تَرَوْنَ وأحَبُّ الحَدِيثِ إلَيَّ أصْدَقُهُ، فاخْتارُوا إحْدَى الطَّائِفَتَيْنِ: إمَّا السَّبيَ وإمَّا المَالَ وقَدْ كُنْتُ اسْتَأنَيْتُ»، وكانَ النَّبيُّ ﷺ انْتَظَرَهُمْ بِضْعَ عَشْرَةَ لَيْلَةً حِينَ قَفَلَ مِنَ الطَّائِفِ، فَلَمَّا تَبَيَّنَ لَهُمْ أنَّ النَّبيَّ ﷺ غَيرُ رَادٍّ إلَيهِمْ إلَّا إحْدَى الطَّائِفَتَينِ قالُوا: فإنَّا نَخْتارُ سَبْيَنا، فَقامَ في

الْمُسْلِمِينَ فَأَثْنَى عَلَى اللهِ بِما هُوَ أَهْلُهُ، ثُمَّ قالَ: «أَمَّا بَعْدُ، فإنَّ إِخْوَانَكُمْ هٰؤُلاءِ جاؤُنا تائِبِينَ وإِنِّي رَأَيْتُ أَنْ أَرُدَّ إِلَيهِمْ سَبْيَهُمْ: فَمَنْ أَحَبَّ مِنْكُمْ أَنْ يُطَيِّبَ ذٰلِكَ فَلْيَفْعَلْ، ومَنْ أَحَبَّ أَنْ يَكُونَ عَلى حَظِّهِ حتَّى نُعْطِيَهُ إِيَّاهُ مِنْ أَوَّلِ ما يُفِيءُ اللهُ عَلَيْنا فَلْيَفْعَلْ»، فَقالَ النَّاسُ: طَيَّبْنا يا رَسُولَ اللهِ لَهُمْ، فَقالَ لَهُمْ: «إنَّا لا نَدْرِي مَنْ أَذِنَ مِنْكُمْ فِيْهِ مِمَّنْ لَمْ يَأْذَنْ فارْجِعُوا حتَّى يَرْفَعَ إِلَيْنا عُرَفاؤُكُمْ أَمْرَكُمْ»، فَرَجَعَ النَّاسُ، فَكَلَّمَهُمْ عُرَفَاؤُهُمْ، ثُمَّ رَجَعُوا إِلى النَّبِي ﷺ فأَخْبَرُوهُ أَنَّهُمْ طَيَّبُوا وأَذِنُوا. بِهٰذَا الَّذِي بَلَغَنا مِنْ سَبيِ هَوَازِنَ، هذَا آخِرُ قَوْلِ الزُّهْرِيِّ - يَعْنِي: فَهٰذَا الَّذِي بَلَغَنا -.

to do that as a favour, then he can do it, and whoever of you wants to stick to his share till we pay him from the very first *Fai* (i.e., war booty) which Allāh will give us, then he can do so." The people said, "We return (the captives) to them willingly as a favour, O Allāh's Messenger!" The Prophet ﷺ said, "I do not know who of you has given his consent and who has not; so go back and your leaders may present your decision to me." The people went away, and their leaders discussed the matter with them, and then came to the Prophet ﷺ to tell him that all of them had given their consent (to return the captives) willingly.

(Az-Zuhrī, the subnarrator said, "This is what we know about the captives of Hawazin.")

(٢٥) بابٌ مَنْ أُهْدِيَ لَهُ هَدِيَّةٌ وعِنْدَهُ جُلَساؤُهُ فَهُوَ أَحَقُّ بِهَا.

ويُذْكَرُ عَنِ ابنِ عَبَّاسٍ أَنَّ جُلَساءَهُ شُرَكاؤُه، ولَمْ يَصِحَّ.

(25) CHAPTER. Whosoever is given a gift while some people are sitting with him, he only has the right to have it.

Ibn 'Abbās رَضِيَ اللهُ عَنْهُما is reported to have said that the people sitting with that person will be his co-owners. But this report is not confirmed by an authentic narration.

٢٦٠٩ - **حَدَّثَنا** ابنُ مُقاتِلٍ: أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا شُعْبَةُ، عَنْ سَلَمَةَ بنِ كُهَيْلٍ، عَنْ أَبي سَلَمَةَ عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ أَنَّهُ أَخَذَ سِنّاً، فَجاءَ صاحِبُهُ يَتَقاضاهُ، فقالوا له فَقالَ: «إنَّ

2609. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ took a camel of a certain age from somebody on credit. Its owner came and demanded it back (harshly). The Prophet ﷺ said, "No doubt, he who has a right, has the full right to demand it." Then the Prophet ﷺ gave him an older and better camel than his camel and said, "The best amongst you is he who repays his debts in the

most handsome way."

لِصاحِبِ الحَقِّ مَقالاً»، ثُمَّ قَضاهُ أفْضَلَ مِنْ سِنِّهِ، وقالَ: «أفْضَلُكُمْ أحْسَنُكُمْ قَضاءً». [راجع: ٢٣٠٥]

2610. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما that he was in the company of the Prophet ﷺ on a journey, riding a troublesome camel belonging to 'Umar. The camel used to go ahead of the Prophet ﷺ. So, Ibn 'Umar's father would say, "O 'Abdullāh! No one should go ahead of the Prophet ﷺ." The Prophet ﷺ said to him, "Sell it to me." 'Umar said to the Prophet ﷺ, "It is for you." So, he bought it and said, "O 'Abdullāh! It is for you, and you can do with it what you like."

٢٦١٠ - **حَدَّثَني** عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثنا ابنُ عُيَيْنَةَ، عَنْ عَمْرٍو، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّهُ كانَ مَعَ النَّبيِّ ﷺ في سَفَرٍ، وَكانَ عَلى بَكْرٍ صَعْبٍ لِعُمَرَ، فَكانَ يَتَقَدَّمُ النَّبيَّ ﷺ فَيَقُولُ أبُوهُ: يا عَبْدَ اللهِ، لا يَتَقَدَّمُ النَّبيَّ ﷺ أحَدٌ، فَقالَ لَهُ النَّبيُّ ﷺ: «بِعنِيهِ»، فَقالَ عُمَرُ: «هُوَ لَكَ فاشْتَراهُ ثُمَّ قالَ: هُوَ لَكَ يا عَبْدَ اللهِ، فاصْنَعْ بِهِ ما شِئْتَ». [راجع: ٢١١٥]

(26) CHAPTER. If someone gives a camel as a gift to a man riding it, then the deed is valid.

(٢٦) بابٌ إذا وَهَبَ بَعيراً لِرَجُلٍ وهُوَ رَاكِبُهُ فَهُوَ جائِزٌ

2611. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: We were in the company of the Prophet ﷺ on a journey, and I was riding a troublesome camel. The Prophet ﷺ asked 'Umar to sell that camel to him. So, 'Umar sold it to him. The Prophet ﷺ then said, "O 'Abdullāh! The camel is for you."

٢٦١١ - وقالَ الحُمَيْدِيُّ: حدَّثَنا سُفْيانُ: حدَّثَنا عَمْرٌو، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: كُنَّا مَعَ النَّبيِّ ﷺ في سَفَرٍ وكُنْتُ عَلى بَكْرٍ صَعْبٍ فَقالَ النَّبيُّ ﷺ لِعُمَرَ: «بِعْنِيْهِ» فابْتاعَهُ، فَقالَ النَّبيُّ ﷺ: «هُوَ لَكَ يا عَبْدَ اللهِ». [راجع: ٢١١٥]

(27) CHAPTER. The presenting of a gift of clothes, the wearing of which is disliked.

(٢٧) بابُ هَدِيَّةِ ما يُكْرَهُ لُبْسُها

2612. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: 'Umar bin Al-Khaṭṭāb saw a silken dress (cloak) being sold at the gate of the mosque and said, "O Allāh's Messenger! Would that you buy it and wear it on Fridays and when the delegates come to you!" Allāh's

٢٦١٢ - **حَدَّثَنا** عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: رَأى عُمَرُ بنُ الخَطَّابِ حُلَّةَ

سِيرَاءَ عِنْدَ بابِ المَسْجِدِ فقالَ: يا رَسُولَ اللهِ لَوِ اشْتَرَيْتَها فَلَبِسْتَها يَوْمَ الجُمُعَةِ وللوَفْدِ. قالَ: «إنَّما يَلْبَسُها مَنْ لا خَلاقَ لهُ في الآخِرَةِ». ثُمَّ جاءَتْ حُلَلٌ فأعْطَى رَسُولُ اللهِ ﷺ عُمَرَ مِنْها حُلَّةً فَقالَ: أكَسَوْتَنيها وقُلْتَ في حُلَّةِ عُطارِدٍ ما قُلْتَ؟ فَقالَ: «إنِّي لَمْ أكْسُكَها لِتَلْبَسَها»، فَكَساها عُمَرُ أخاً لَهُ بِمَكَّةَ مُشْرِكاً».

[راجع: ٨٨٦]

Messenger ﷺ said, "This is worn by the one who will have no share in the Hereafter." Later on, some silk dresses were brought and Allāh's Messenger ﷺ sent one of them to 'Umar. 'Umar said, "How do you give me this to wear while you said what you said about the dress of 'Utārid?"[1] Allāh's Messenger ﷺ said, "I have not given it to you to wear." So, 'Umar gave it to a *Mushrik* brother of his in Makkah.

٢٦١٣ - حَدَّثَنا مُحَمَّدُ بنُ جَعْفَرٍ أبُو جَعْفَرٍ: حَدَّثَنا ابنُ فُضَيْلٍ، عَنْ أبيهِ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: أتَى النَّبِيُّ ﷺ بَيْتَ فاطِمَةَ فَلَمْ يَدْخُلْ عَلَيها، وجاءَ عَلِيٌّ فَذَكَرَتْ لَهُ ذٰلِكَ، فَذَكَرَ للنَّبِيِّ ﷺ. قالَ: «إنِّي رَأيْتُ عَلَى بابِها سِتْراً مَوْشِيّاً»، فَقالَ: «ما لي وللدُّنْيا»، فأتاها عَلِيٌّ فَذَكَرَ ذٰلِكَ لَهَا فَقالَتْ: لِيَأْمُرْني فِيهِ بما شاءَ، قالَ: «تُرسِلي بِهِ إلى فُلانٍ، أهْلِ بَيْتٍ بِهِمْ حاجَةٌ».

2613. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Once the Prophet ﷺ went to the house of Fāṭima but did not enter it. 'Alī came and she told him about that. When 'Alī asked the Prophet ﷺ about it, he said, "I saw a (multi-coloured) decorated curtain on her door. I am not interested in worldly things." 'Alī went to Fāṭima and told her about it. Fāṭima said, "I am ready to dispense with it in the way he suggests." The Prophet ﷺ ordered her to send it to such and such needy people."

٢٦١٤ - حَدَّثَنا حَجّاجُ بنُ مِنْهالٍ: حَدَّثَنا شُعْبَةُ قالَ: أخْبَرَني عَبْدُ المَلِكِ بنُ مَيْسَرَةَ قالَ: سَمِعْتُ زَيدَ بنَ وَهْبٍ عَنْ عَلِيّ رَضِيَ اللهُ عَنْهُ قالَ: أهْدَى إليَّ النَّبِيُّ ﷺ حُلَّةَ سِيَرَاءَ فَلَبِسْتُها فَرَأيْتُ الغَضَبَ في وَجْهِهِ

2614. Narrated 'Alī رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ gave me a silken dress as a gift and I wore it. When I saw the signs of anger on his face, I cut it into pieces and distributed it among my wives."

(1) (H. 2612) 'Umar رَضِيَ اللهُ عَنْهُ is referring to the previous occasion when Allāh's Messenger ﷺ refused to buy the cloak sold at the gate of the mosque.

فَشَقَقْتُها بَينَ نِسائي. [انظر: ٥٣٦٦، ٥٨٤٠]

(28) CHAPTER. The acceptance of presents from *Al-Mushrikūn* (polytheists, idolaters, pagans)

(٢٨) بابُ قَبُولِ الهَدِيَّةِ مِنَ المُشْرِكِينَ

Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "When Ibrāhīm (Abraham عليه السلام) migrated along with Sārah, he reached a town ruled by a king or a tyrant. The latter ordered his men to give Sārah, Ājar." The Prophet ﷺ was given a cooked poisoned sheep as a present.

Narrated Abū Ḥumaid رَضِيَ الله عَنْهُ: The king of Aila sent a white mule to the Prophet ﷺ, and the Prophet ﷺ sent him a garment and wrote to him a confirmation of the treaty concerning his country.

وقالَ أبو هُرَيْرَةَ عَنِ النَّبيِّ ﷺ: «هَاجَرَ إبْرَاهِيمُ عليهِ السَّلامُ بسارَةَ فَدَخَلَ قَرْيَةً فيها مَلِكٌ أوْ جَبَّارٌ، فَقالَ: أعْطُوها آجَرَ». وأُهْدِيَتْ لِلنَّبيِّ ﷺ شاةٌ فِيها سُمٌّ. وقالَ أبو حُمَيْدٍ: أهْدَى مَلِكُ أيْلَةَ لِلنَّبيِّ ﷺ بَغْلَةً بَيْضاءَ فَكَسَاهُ بُرْداً وكَتَبَ إلَيهِ بَبَحْرِهِمْ.

2615. Narrated Anas رَضِيَ الله عَنْهُ: A *Jubba* (i.e., cloak) made of thick silken cloth was presented to the Prophet ﷺ. The Prophet ﷺ used to forbid people to wear silk. So, the people were pleased to see it. The Prophet ﷺ said, "By Him in Whose Hands Muḥammad's soul is, the handkerchiefs of Sa'd bin Mu'ādh in Paradise are better than this."

٢٦١٥ - حَدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا يُونُسُ بْنُ مُحَمَّدٍ: حدَّثَنا شَيْبان عَنْ قَتادَةَ: حدَّثَنا أنَسٌ رَضِيَ اللهُ عَنْهُ قالَ: أُهْدِيَ لِلنَّبيِّ ﷺ جُبَّةُ سُنْدُسٍ، وكانَ يَنهى عَنِ الحَرِيرِ فَعَجِبَ النَّاسُ مِنْها، فَقالَ ﷺ: «والَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ لَمَنادِيلُ سَعْدِ بنِ مُعاذٍ في الجَنَّةِ أحْسَنُ مِنْ هذا». [انظر: ٢٦١٦، ٣٢٤٨]

2616. Anas added, "The present was sent to the Prophet ﷺ by Ukaidir (a Christian) from Dauma."

٢٦١٦ - وقالَ سَعِيدٌ عَنْ قتادَةَ عَنْ أنَسٍ: إنَّ أُكَيْدِرَ دُومَةَ أهْدَى إلى النَّبيِّ ﷺ. [راجع: ٢٦١٥]

2617. Narrated Anas bin Mālik رَضِيَ الله عَنْهُ: A Jewess brought a poisoned (cooked) sheep for the Prophet ﷺ who ate from it. She was brought to the Prophet ﷺ and was asked, "Shall we kill her?" He ﷺ said, "No." Anas added: "I continued to see the effect of the

٢٦١٧ - حَدَّثَنا عَبْدُ اللهِ بنُ عَبْدِ الوَهَّابِ: حدَّثَنا خالِدُ بنُ الحَارِثِ: حدَّثَنا شُعْبَةُ، عَنْ هِشامِ بنِ زَيْدٍ، عَنْ أنَسِ بنِ مالِكٍ رَضِيَ اللهُ عَنْهُ: أنَّ

يَهُودِيَّةً أتَتِ النَّبِيَّ ﷺ بِشاةٍ مَسْمُومَةٍ فأكَلَ مِنها، فَجِيءَ بِها فَقِيلَ: ألا نَقْتُلُها؟ قالَ: «لا»، فَما زِلْتُ أعْرِفُها في لَهَوَاتِ رَسُولِ اللهِ ﷺ.

poison on the palate of the mouth of Allāh's Messenger ﷺ."

٢٦١٨ - حَدَّثَنا أبُو النُّعْمانِ: حدَّثَنا المُعْتَمِرُ بنُ سُلَيمانَ، عَنْ أبِيهِ، عَنْ أبي عُثمانَ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ أبي بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَ: كُنَّا مَعَ النَّبِيِّ ﷺ ثَلاثِينَ ومائَةً فَقالَ النَّبِيُّ ﷺ: «هَلْ مَعَ أحَدٍ مِنْكُمْ طَعامٌ؟» فإذَا مَعَ رَجُلٍ صاعٌ مِنْ طَعام أوْ نَحْوُهُ، فَعُجِنَ ثُمَّ جاءَ رَجُلٌ مُشْرِكٌ مُشْعانٌّ طَوِيلٌ بِغَنَمٍ يَسُوقُها فَقالَ النَّبِيُّ ﷺ: «بَيْعاً أمْ عَطِيَّةً؟» أوْ قالَ: «أمْ هِبَةً؟» قالَ: لا، بَلْ بَيْعٌ. فاشْتَرَى مِنْهُ شاةً فصُنِعتْ وأمَرَ النَّبِيُّ ﷺ بِسَوَادِ البَطْنِ أن يُشْوَى، وايْمُ اللهِ ما في الثلاثِينَ والمائَةِ إلَّا وقدْ حَزَّ النَّبِيُّ ﷺ لَهُ حُزَّةً مِنْ سَوادِ بَطْنِهَا إنْ كانَ شاهِداً أعْطاها إيَّاهُ وإن كانَ غائِباً خَبأ لَهُ. فَجَعَلَ مِنْها قَصْعَتَيْنِ فَأكَلُوا أجْمَعُونَ وشَبِعْنا، فَفَضَلَتِ القَصْعَتانِ فَحَمَلْناهُ عَلى البَعِيرِ أوْ كَما قالَ.

[راجع: ٢٢١٦]

2618. Narrated 'Abdur-Raḥmān bin Abū Bakr رَضِيَ اللهُ عَنْهُما: We were one hundred and thirty persons accompanying the Prophet ﷺ who asked us whether anyone of us had food. There was a man who had about a *Sā'* of wheat flour which was mixed with water to make dough (for baking bread). Then a very tall man from *Al-Mushrikūn*" (polytheists, pagans, idolaters, and disbelievers in the Oneness of Allāh and in His Messenger Muhammad ﷺ) came driving the sheep. The Prophet ﷺ asked him, "Will you sell us (a sheep) or give it as a present?" He said, "I will sell you (a sheep)." The Prophet ﷺ bought a sheep and it was slaughtered. The Prophet ﷺ ordered that its liver and other abdominal organs be roasted. By Allāh, the Prophet ﷺ gave every person of the one hundred and thirty a piece of that; he gave all those of them who were present; and kept the shares of those who were absent. The Prophet ﷺ then put its meat in two huge basins and all of them ate to their fill, and even then more food was left in the two basins which were carried on the camel (or said something like it).

(٢٩) بابُ الهَدِيَّةِ للمُشْرِكِينَ

(29) CHAPTER. Giving presents to *Al-Mushrikūn*" (polytheists, pagans, idolaters).

وقَوْلِ اللهِ تَعالى: ﴿لَّا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ لَمْ يُقَٰتِلُوكُمْ فِى ٱلدِّينِ وَلَمْ يُخْرِجُوكُم

And the Statement of Allāh تعالى:

"Allāh does not forbid you to deal justly and kindly with those who fought not against

you on account of religion, nor drove you out of your homes. Verily, Allāh loves those who deal with equity." (V.60:8)

مِّن دِيَٰرِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوٓا۟ إِلَيْهِمْ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ۝٨﴾ [الممتحنة: ٨].

2619. Narrated Ibn 'Umar رَضِيَ الله عَنْهُما: 'Umar saw a silken cloak over a man for sale and requested the Prophet ﷺ to buy it in order to wear it on Fridays and while meeting delegates. The Prophet ﷺ said, "This is worn by the one who will have no share in the Hereafter." Later on, Allāh's Messenger ﷺ got some silken cloaks similar to that one, and he sent one to 'Umar. 'Umar said to the Prophet ﷺ, "How can I wear it, while you said about it what you said?" The Prophet ﷺ said, "I have not given it to you to wear, but to sell or to give to someone else." So, 'Umar sent it to his brother at Makkah before he (his brother) embraced Islām.

٢٦١٩ - حَدَّثَنَا خالِدُ بنُ مَخْلَدٍ: حدَّثَنا سُلَيمانُ بنُ بِلالٍ: حدَّثَني عَبْدُ اللهِ ابنُ دِينارٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: رَأى عُمَرُ حُلَّةً عَلى رَجُلٍ تُباعُ، فَقالَ للنَّبِيِّ ﷺ: ابْتَعْ هذِهِ الحُلَّةَ تَلْبَسْها يَوْمَ الجُمُعَةِ وإذا جاءَكَ الوَفْدُ. فَقالَ: «إنَّما يَلْبَسُ هٰذِهِ مَنْ لا خَلاقَ لَهُ في الآخِرَةِ»، فأُتِيَ رَسُولُ اللهِ ﷺ مِنْها بِحُلَلٍ، فأرْسَلَ إلى عُمَرَ مِنْها بِحُلَّةٍ، فَقالَ عُمَرُ: كَيْفَ ألْبَسُها وقَدْ قُلْتَ فِيها ما قُلْتَ؟ قالَ: «إنِّي لَمْ أكْسُكَها لِتَلْبَسها، تَبِيعُها أوْ تَكْسُوها»، فأرْسَلَ بِها عُمَرُ إلى أخٍ لَهُ مِنْ أهْلِ مَكَّةَ، قَبْلَ أنْ يُسْلِمَ. [راجع: ٨٨٦]

2620. Narrated Asmā' bint Abū Bakr رَضِيَ الله عَنْهما: My mother came to me during the lifetime of Allāh's Messenger ﷺ and she was a *Mushrikah* (polytheist, idolatress, pagan). I said to Allāh's Messenger ﷺ (seeking his verdict), "My mother has come to me and she desires to receive a reward from me, shall I keep good relations with her?" The Prophet ﷺ said, "Yes, keep good relation with her."

٢٦٢٠ - حَدَّثَنا عُبَيْدُ بنُ إسماعِيلَ: حدَّثَنا أبُو أُسامَةَ، عَنْ هِشامٍ، عَنْ أبِيهِ، عَنْ أسْماءَ بِنْتِ أبي بَكْرٍ رَضِيَ اللهُ عَنْهُما قُلْتُ: قَدِمَتْ عَلَيَّ أُمِّي وهِيَ مُشْرِكَةٌ في عَهْدِ رَسُولِ اللهِ ﷺ فاسْتَفْتَيْتُ رَسُولَ اللهِ ﷺ، قُلْتُ: إنَّ أُمِّي قَدِمَتْ وهِيَ رَاغِبَةٌ، أفأَصِلُ أُمِّي؟ قالَ: «نَعَمْ. صِلِي أُمَّكِ». [انظر: ٣١٨٣، ٥٩٧٨، ٥٩٧٩]

(30) CHAPTER. It is not legal for anyone to take back his presents or *Ṣadaqa* (things given in charity).

(٣٠) بابٌ: لا يَحِلُّ لأحَدٍ أنْ يَرْجِعَ في هِبَتِهِ وصَدَقَتِهِ

٢٦٢١ - حَدَّثَنَا مُسْلِمُ بنُ إِبْرَاهِيمَ: حدَّثَنا هِشامٌ وشُعْبَةُ قالا: حدَّثَنا قَتادَةُ، عَنْ سَعِيدِ ابنِ المُسَيَّبِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبِيُّ ﷺ: «العائِدُ في هِبَتِهِ كالعائِدِ في قَيْئِهِ». [راجع: ٢٥٨٩]

2621. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "He who takes back his present is like him who swallows his vomit."

٢٦٢٢ - وحدَّثني عَبْدُ الرَّحْمٰنِ بنُ المُبارَكِ: حدَّثَنا عَبْدُ الوَارِثِ: حدَّثَنا أيُّوبُ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبِيُّ ﷺ: «لَيْسَ لَنا مَثَلُ السَّوْءِ الَّذي يَعُودُ في هِبَتِهِ كالكَلْبِ يَرْجِعُ في قَيْئِهِ». [راجع: ٢٥٨٩]

2622. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "The bad example is not for us. He who takes back his present is like a dog that swallows back its vomit."

٢٦٢٣ - حَدَّثَنَا يَحْيى بنُ قَزَعَةَ: حدَّثَنا مالكٌ، عَنْ زَيْدِ بنِ أسْلَمَ، عَنْ أبِيهِ قَالَ: سَمِعْتُ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ يَقُولُ: حَمَلْتُ عَلى فَرَسٍ في سَبِيلِ اللهِ فأضَاعَهُ الَّذي كانَ عِنْدَهُ فأرَدْتُ أنْ أشْتَرِيَهُ مِنْهُ، وظَنَنْتُ أنَّهُ بائِعُهُ بِرُخْصٍ فَسَألْتُ عَنْ ذلكَ النَّبِيَّ ﷺ فَقالَ: «لا تَشْتَرِهِ وإنْ أعْطاكَهُ بِدِرْهَمٍ واحِدٍ، فإنَّ العائِدَ في صَدَقَتِهِ كالكَلْبِ يَعُودُ في قَيْئِهِ». [راجع: ١٤٩٠]

2623. Narrated 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُ: I gave a horse in Allāh's Cause. The person to whom it was given did not look after it. I intended to buy it back from him, thinking that he would sell it cheap. When I asked the Prophet ﷺ, he said, "Don't buy it, even if he gives it to you for one Dirham as the person who takes back what he has given in charity, is like a dog that swallows back its vomit."

(٣١) بابٌ:

(31) CHAPTER.

٢٦٢٤ - حَدَّثَني إبْرَاهِيمُ بنُ مُوسَى: أخْبرَنا هِشامُ بنُ يُوسُفَ: أنَّ ابنَ جُرَيْجٍ أخْبرَهُمْ قالَ: أخْبرَني عَبْدُ

2624. Narrated 'Abdullāh bin 'Ubaidullāh bin Abū Mulaika: The sons of Ṣuhaib, (Ṣuhaib, who was the freed slave of Bani Jud'ān) claimed that Allāh's Messenger ﷺ had given two houses and one room to

اللهِ بنُ عُبَيْدِ اللهِ بنِ أبي مُلَيْكَةَ: أنَّ بَنِي صُهَيْبٍ مَوْلى ابنِ جُدْعانَ ادَّعَوْا بَيْتَينِ وحُجْرَةً، أنَّ رَسُولَ اللهِ ﷺ أعْطَى ذلكَ صُهَيْباً، فَقالَ مَرْوَانُ: مَنْ يَشْهَدُ لَكُما عَلى ذٰلكَ؟ قَالُوا: ابْنُ عُمَرَ، فَدَعاهُ فَشَهِدَ: لَأَعْطَى رَسُولُ اللهِ ﷺ صُهَيْباً بَيْتَينِ وحُجْرَةً، فَقَضَى مَرْوَانُ بِشَهادَتِهِ لهُمْ.

Ṣuhaib. Marwān asked, "Who will testify your claim?" They replied that Ibn 'Umar would do so. Marwān sent for Ibn 'Umar who testified that Allāh's Messenger ﷺ had really given Ṣuhaib two houses and a room. So, Marwān gave the verdict (in favour of Ṣuhaib's sons), because of (Ibn 'Umar's) witness.

(٣٢) بابُ ما قِيلَ في العُمْرَى والرُّقْبَى

(32) CHAPTER. What is said about the *'Umra* and the *Ruqba*.

أعْمَرْتُهُ الدَّارَ، فَهِيَ عُمْرَى، جَعَلْتَها لَهُ. ﴿وَٱسْتَعْمَرَكُمْ فِيهَا﴾ [هود: ٦١]: جَعَلَكُمْ عُمَّاراً.

If one says, "I give you the house as *'Umra*,"[1] one means, "I give it to you to live in as long as you are alive."

٢٦٢٥ - حَدَّثَنا أبُو نُعَيم: حدَّثَنا شَيْبانُ، عَنْ يَحْيى، عَنْ أبي سَلَمَةَ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: قَضَى النَّبِيُّ ﷺ بالعُمْرَى: أنَّها لِمَنْ وُهِبَتْ لَهُ.

2625. Narrated Jābir رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ gave the verdict that *'Umra* is for the one to whom it is presented.

٢٦٢٦ - حَدَّثَنا حَفْصُ بنُ عُمَرَ حدَّثَنا هَمَّامٌ: حدَّثَنا قَتادَةُ قالَ: حدَّثَني النَّضْرُ بنُ أنَسٍ عَنْ بَشِيرِ بنِ نَهِيكٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «العُمْرَى جائِزَةٌ». وقالَ عَطاءٌ: حدَّثَني جابِرٌ عَنِ النَّبِيِّ ﷺ مِثْلَهُ.

2626. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, " '*Umra* is permissible."

'Aṭā' said, "Jābir narrated the same to me from the Prophet ﷺ."

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(1) (Ch. 32) *'Umra*: This kind of gift is also called *Ruqba*, which is derived from the Arabic verb meaning 'to wait' because both the giver and the person given to, used to wait for the death of each other so that the house etc. (given as gift) would belong to him permanently. (*Fatḥ Al-Bārī*)

(33) CHAPTER. Borrowing a horse from some people.

2627. Narrated Anas رَضِيَ اللهُ عَنْهُ: Once, the people of Al-Madīna were frightened, so the Prophet ﷺ borrowed a horse from Abū Ṭalha called Al-Mandūb, and rode it. When he came back he said, "We have not seen anything (to be afraid of), but the horse was very fast."

(٣٣) بابٌ مَنِ اسْتَعارَ مِنَ النَّاسِ الفَرَسَ

٢٦٢٧ - حَدَّثَنا آدَمُ: حدَّثنا شُعْبَةُ، عَنْ قَتادَةَ قالَ: سَمِعْتُ أنساً يَقُولُ: كانَ فَزَعٌ بالمَدِينَةِ فاسْتَعارَ النَّبِيُّ ﷺ فرساً مِنْ أبي طَلْحَةَ يُقالُ لَهُ: المَنْدُوبُ، فَرَكِبَهُ. فَلَمَّا رَجَعَ قالَ: «ما رَأَيْنا مِنْ شَيْءٍ وإنْ وجَدْناهُ لَبَحْراً». [انظر: ٢٨٢٠، ٢٨٥٧، ٢٨٦٢، ٢٨٦٦، ٢٨٦٧، ٢٩٠٨، ٢٩٦٨، ٢٩٦٩، ٣٠٤٠، ٦٠٣٣، ٦٢١٢]

(34) CHAPTER. To borrow something for the bride at the time of her wedding.

2628. Narrated Aiman: I went to 'Āishah رَضِيَ اللهُ عَنْها and she was wearing (a coarse dress) costing five Dirham. 'Āishah said, "Look up and see my slave-girl who refuses to wear it in the house, though during the lifetime of Allāh's Messenger ﷺ I had a similar dress which no woman desiring to appear elegant (before her husband) failed to borrow from me."

(٣٤) بابُ الاسْتِعارَةِ للعَرُوسِ عِنْدَ البِناءِ

٢٦٢٨ - حَدَّثَنا أبُو نُعَيمٍ: حدَّثنا عَبْدُ الوَاحِدِ بنُ أيْمَنَ: حدَّثَنِي أبي قالَ: دَخَلْتُ عَلى عائِشَةَ رَضِيَ اللهُ عَنْها وعَلَيها دِرْعُ قِطْرٍ ثَمَنُ خَمْسَةِ دَرَاهِمَ، فَقالَتْ: ارْفَعْ بَصَرَكَ إلى جارِيَتِي، انْظُرْ إلَيها فإنَّها تُزْهَى أنْ تَلْبَسَهُ في البَيْتِ. وقَدْ كانَ لي مِنْهُنَّ دِرْعٌ عَلى عَهْدِ رَسُولِ اللهِ ﷺ فَما كانَتِ امْرَأَةٌ تُقَيَّنُ بالمَدِينَةِ إلَّا أرْسَلَتْ إلَيَّ تَسْتَعِيرُهُ.

(35) CHAPTER. The superiority of the *Manīḥa*, i.e., a milch she-camel or a sheep lent to somebody to use its milk and return it to its owner afterwards.

2629. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "What a good *Manīḥa* (the she-camel which has recently

(٣٥) بابُ فَضْلِ المَنِيحةِ

٢٦٢٩ - حَدَّثَنا يَحْيى بنُ بُكَيرٍ: حدَّثَنا مالكٌ، عَنْ أبي الزِّنادِ، عَنِ

given birth and which gives profuse milk) is, and (what a good *Manīha*) (the sheep which gives profuse milk, a bowl in the morning and another in the evening) is!"

Narrated Mālik : *Manīḥa* is a good deed of charity.

الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ أنَّ رَسُولَ اللهِ ﷺ قالَ: «نِعْمَ المَنيحَةُ اللِّقْحَةُ الصَّفِيُّ مِنْحَةً، والشَّاةُ الصَّفِيُّ تَغْدُو بإناءٍ وتَرُوحُ بإناءٍ».

حَدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ وإسْماعِيلُ عَنْ مالكٍ قالَ: «نِعْمَ الصَّدَقَةُ». [انظر: ٥٦٠٨]

2630. Narrated Ibn Shihāb Az-Zuhrī: Anas bin Mālik رَضِيَ اللهُ عَنْهُ said, "When the emigrants came to Al-Madīna from Makkah they had nothing, whereas the *Anṣār* had land and property. The *Anṣār* gave them their land on condition that the emigrants would give them half the yearly yield and work on the land and provide the necessaries for cultivation." His (i.e., Anas') mother, who was also the mother of 'Abdullāh bin Abū Talha, gave some date-palms to Allāh's Messenger ﷺ who gave them to his freed slave-girl (Umm Aiman) who was also the mother of Usāma bin Zaid. When the Prophet ﷺ finished from the fighting against the people of Khaibar and returned to Al-Madīna, the emigrants returned to the *Anṣār* the fruit gifts which the *Anṣār* had given them. The Prophet ﷺ also returned to Anas' mother the date-palms. Allāh's Messenger ﷺ gave Umm Aiman other trees from his garden in lieu of the old gift.

٢٦٣٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أخبرَنا ابنُ وَهْبٍ: حدَّثَنا يُونُسُ، عَنِ ابنِ شِهابٍ، عَنْ أنَسِ بنِ مالكٍ رَضِيَ اللهُ عَنْهُ قالَ: لَمَّا قَدِمَ المُهاجِرُونَ المَدِينَةَ مِنْ مَكَّةَ ولَيْسَ بأيديهِمْ وكانَتِ الأنْصارُ أهْلَ الأرْضِ وَالعَقارِ فَقاسمَهُمُ الأنْصارُ عَلى أنْ يُعْطُوهُمْ ثِمارَ أمْوالِهِمْ كُلَّ عامٍ ويَكْفُوهُمُ العَمَلَ والمُؤْنَةَ. وكانَتْ أمُّهُ أمُّ أنَسٍ أمُّ سُلَيمٍ كانَتْ أُمَّ عَبدِ اللهِ بنِ أبي طَلْحَةَ. فَكانَتْ أعْطَتْ أُمُّ أنَسٍ رَسُولَ اللهِ ﷺ عِذَاقاً فأعْطاهُنَّ النَّبِيُّ ﷺ أُمَّ أيْمَنَ مَولاتَهُ أُمَّ أُسامَةَ بنِ زَيْدٍ. قالَ ابنُ شِهابٍ فأخْبَرَني أنَسُ ابنُ مالكٍ أنَّ النَّبِيَّ ﷺ لَمَّا فَرَغَ مِنْ قَتْلِ أهْلِ خَيْبَرَ فانْصَرَفَ إلى المَدِينَةِ رَدَّ المُهاجِرُونَ إلى الأنْصارِ مَنائحَهُم الَّتي كَانُوا مَنَحُوهُم مِنْ ثِمارِهِمْ، فَرَدَّ النَّبِيُّ ﷺ إلى أُمِّهِ عذَاقَها فَأعطى رَسُولُ اللهِ ﷺ أُمَّ أيْمَنَ مَكانَهُنَّ مِنْ حائطِهِ. وقالَ أحْمَدُ بنُ شَبيبٍ أخْبَرَنا

أبي، عَنْ يُونُسَ بِهذَا، وقالَ: مَكانَهُنَّ منْ خالِصِهِ. [انظر: ٣١٢٨، ٤٠٣٠، ٤١٢٠]

٢٦٣١ - حَدَّثَنا مُسَدَّدٌ: حدَّثَنا عِيسَى ابنُ يُونُسَ: حدَّثَنا الأَوْزَاعيُّ، عَنْ حَسَّانَ بنِ عَطِيَّةَ، عَنْ أبي كَبْشَةَ السَّلولي سَمِعْتُ عَبْدَ اللهِ بنَ عَمْرٍو رَضِيَ اللهُ عَنْهُما يَقُولُ: قالَ رَسُولُ اللهِ ﷺ: «أَرْبَعُونَ خَصْلَةً أعلاهُنَّ مَنِيحَةُ العَنزِ. ما مِنْ عامِلٍ يَعْمَلُ بِخَصْلَةٍ مِنْها رَجاءَ ثوابها وتَصْدِيقَ مَوعِدِهَا إلَّا أدْخَلَهُ الله بِها الجَنَّةَ». قالَ حَسَّانُ: فَعَدَدْنا ما دُونَ مَنِيحَةِ العَنزِ مِنْ رَدِّ السَّلامِ، وتَشْمِيتِ العاطِسِ، وإمَاطَةِ الأذَى عَنِ الطَّرِيقِ ونَحْوِهِ، فما اسْتَطَعْنا أنْ نَبْلُغَ خَمْسَ عَشْرَةَ خَصْلَةً.

2631. Narrated 'Abdullāh bin 'Amr رَضِيَ الله عَنْهُما that Allāh's Messenger ﷺ said, "There are forty good qualities (virtuous deeds) and the best of them is the *Manīḥa* of a she-goat; and anyone who does one of these virtuous deeds, hoping for Allāh's Reward with firm confidence that he will get it, then Allāh will make him enter Paradise because of it."

Ḥassan (a subnarrator) said, "We tried to count those good deeds below the *Manīḥa*; we mentioned replying to the sneezer, removing harmful things from the road, etc., but we failed to count even fifteen."

٢٦٣٢ - حَدَّثَنا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا الأَوْزَاعِيُّ: حدَّثَنِي عَطاءٌ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: كانَتْ لِرِجالٍ مِنَّا فُضُولُ أَرَضِينَ فَقالُوا: نُؤاجِرُها بالثُّلُثِ والرُّبُعِ والنِّصْفِ، فَقالَ النَّبِيُّ ﷺ: «مَنْ كانَتْ لَهُ أرْضٌ فَلْيَزْرَعْها أوْ لِيَمْنَحْها أخاهُ فإنْ أبى فَلْيُمسِكْ أرْضَهُ». [انظر: ٢٣٤٠]

2632. Narrated Jābir رَضِيَ الله عَنْهُ: Some men had excess land (more than they can cultivate themselves) and they said that they would give it to others to cultivate on the condition that they would get one-third or one-fourth or half of its yield. The Prophet ﷺ said "Whoever has land should cultivate it himself or give it free to his brother for cultivation, but if his brother refuses then he should or keep it uncultivated."(1)

٢٦٣٣ - وقالَ مُحَمَّدُ بنُ

2633. Narrated Abū Sa'īd رَضِيَ الله عَنْهُ: A

(1) (H. 2632) It is said that to rent the land for its yield was not allowed by the Prophet ﷺ but to rent it for money was allowed. [See *Ḥadīth* No. 2346]

يُوسُفَ: حدَّثنا الأوْزَاعِيُّ: حدَّثني الزُّهْرِيُّ: حدَّثني عَطاءُ ابنُ يَزيدَ: حدَّثني أبو سَعيدٍ قالَ: جاءَ أعْرَابيٌّ إلى النَّبيِّ ﷺ فَسأَلَهُ عَنِ الهِجْرَةِ فَقالَ: «وَيْحَكَ إنَّ الهِجْرَةَ شأْنُها شَديدٌ فَهَلْ لكَ مِنْ إبلٍ؟» قالَ: نَعَمْ. قالَ: «فَتُعْطِي صَدَقَتَها؟» قالَ: نَعَمْ، قالَ: «فَهَلْ تَمْنَحُ مِنْها شَيْئاً؟» قالَ: نَعَمْ، قالَ: «فَتَحْلُبُها يَوْمَ وِرْدِها؟» قالَ: نَعَمْ. قالَ: «فاعْمل مِنْ وَرَاءِ البِحَارِ فإنَّ اللهَ لَنْ يَتِرَكَ مِنْ عَمَلِكَ شَيْئاً».

bedouin came to the Prophet ﷺ and asked him about emigration. The Prophet ﷺ said to him, "May Allāh be Merciful to you. The matter of emigration is difficult. Have you got some camels?" He replied in the affirmative. The Prophet ﷺ asked him, "Do you pay their *Zakāt*?" He replied in the affirmative. He asked, "Do you lend (give) some of them to others (as gratis) so that their milk may be utilized by others?" The bedouin said, "Yes." The Prophet ﷺ asked, "Do you milk them on the day of watering them?" He replied, "Yes." The Prophet ﷺ said, "Do good deeds beyond the merchants (or the sea) and Allāh will never disregard any of your deeds." (See *Ḥadīth* No.3923, Vol.5)

٢٦٣٤ - حدَّثنا مُحَمَّدُ بنُ بشَّارٍ: حدَّثنا عَبْدُ الوَهَّابِ: حدَّثنا أيُّوبُ، عَنْ عَمْرٍو، عَنْ طاوُسٍ قالَ: حدَّثني أعْلَمُهُمْ بِذَلِكَ، يَعْني ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما، أنَّ النَّبيَّ ﷺ خَرَجَ إلى أرْضٍ تَهْتَزُّ زَرْعاً، فَقالَ: «لِمَنْ هذِهِ؟» فَقالُوا: اكْتَرَاها فُلانٌ. فَقالَ: «أما إنَّهُ لَوْ مَنَحَها إيَّاهُ كانَ خَيراً لَهُ مِنْ أنْ يأخُذَ عَلَيها أجْراً مَعْلُوماً».

[راجع: ٢٣٣٠]

2634. Narrated Ṭāwūs that he was told by the most learned one amongst them, i.e., Ibn 'Abbās رَضِيَ اللهُ عَنْهُما, that the Prophet ﷺ went towards some land which was flourishing with vegetation and asked to whom it belonged. He was told that such and such a person took it on rent. The Prophet ﷺ said, "If he had given it to him gratis rather than charging him a fixed rent."

(٣٦) بابٌ إذا قالَ: أخْدَمْتُكَ هذِهِ الجارِيَةَ، عَلى ما يَتعارَفُ النَّاسُ، فَهُوَ جائِزٌ

(36) CHAPTER. It is permissible if somebody says, "I give this slave-girl to you for your service according to the prevalent convention known amongst the people."

وقالَ بَعْضُ النَّاسِ: هذِهِ عارِيَةٌ. وإنْ قالَ: كَسَوْتُكَ هذَا الثَّوْبَ، فهذه هِبَةٌ.

Some people said, "She is regarded as something lent temporarily, but if someone says, 'I give you this garment to wear,' then it is a gift."

2635. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The Prophet Ibrāhīm (Abraham عليه السلام) migrated with Sārah. The people (of the town where they migrated) gave her Ājar (i.e., Ḥājar). Sārah returned and said to Ibrāhīm, "Do you know that Allāh has humiliated that disbeliever and he has given a slave-girl for my service?"

٢٦٣٥ - حَدَّثَنَا أَبُو اليَمانِ: أَخْبَرَنا شُعَيْبٌ: حدَّثَنا أَبُو الزِّنادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «هاجَرَ إِبْرَاهِيمُ بِسارَةَ فأَعْطَوْها آجَرَ فَرَجَعَتْ فَقالَتْ: أَشَعَرْتَ أَنَّ اللهَ كَبَتَ الكافِرَ وأَخْدَمَ وَلِيدَةً؟».

وقالَ ابنُ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ: «فَأَخْدَمَها هاجَرَ».

[راجع: ٢٢١٧]

(37) CHAPTER. If somebody gives another person a horse (as a gift) then the rule is the same as that concerning the *'Umra* or *Ṣadaqa* (i.e., the giver has no right to claim restitution).

Some people said, "The giver retains the right to claim restitution."

(٣٧) بابٌ إِذا حَمَلَ رَجُلٌ عَلى فَرَسٍ فَهُوَ كالعُمْرَى والصَّدَقَةِ

وقالَ بَعْضُ النَّاسِ: لَهُ أَنْ يَرْجِعَ فِيها.

2636. Narrated 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُ: Once I gave a horse (for riding) in Allāh's Cause. Later, I saw it being sold. I asked Allāh's Messenger ﷺ (whether I could buy it). He said, "Don't buy it, for you should not get back what you have given in charity."

٢٦٣٦ - حَدَّثَنَا الحُمَيْدِيُّ: أَخْبَرَنا سُفْيانُ قالَ: سَمِعْتُ مالِكاً يَسْأَلُ زَيْدَ بنَ أَسْلَمَ فقالَ: سَمِعْتُ أَبِي يَقُولُ: قالَ عُمَرُ رَضِيَ اللهُ عَنْهُ: حَمَلْتُ عَلى فَرَسٍ في سَبِيلِ اللهِ فَرَأَيْتُهُ يُباعُ، فَسَأَلْتُ رَسُولَ اللهِ ﷺ فَقالَ: «لا تَشْتَرِهِ ولا تَعُدْ في صدقَتِك».

[راجع: ١٤٩٠]

52 - THE BOOK OF WITNESSES

٥٢ - كتاب الشهادات

(1) CHAPTER. What is said regarding the rule that the plaintiff has to produce a proof. The Statement of Allāh تعالى:
"O you who believe! When you contract a debt for a fixed period, write it down..." (V.2:282)
And the Statement of Allāh جَلّ جَلاله:
"O you who believe! Stand out firmly for justice, as witnesses to Allāh... (to the end of the verse) Ever Well-Acquainted with what you do." (V.4:135)

(١) **بابٌ** ما جاءَ في البَيِّنَةِ عَلى المُدَّعِي، لِقَوْلِهِ تَعالى: ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ إِذَا تَدَايَنتُم بِدَيۡنٍ إِلَىٰٓ أَجَلٖ مُّسَمّٗى فَٱكۡتُبُوهُۚ﴾ [البقرة: ٢٨٢].
وقَوْلِ اللهِ عَزَّ وَجَلَّ: ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ كُونُواْ قَوَّٰمِينَ بِٱلۡقِسۡطِ شُهَدَآءَ لِلَّهِ﴾ إِلَى قَوْلِهِ ﴿بِمَا تَعۡمَلُونَ خَبِيرٗا﴾ [النساء: ١٣٥].

(2) CHAPTER. If a person attests the honourable record of a witness by saying, "I do not know except good about him."

(٢) **بابٌ** إذا عَدَّلَ رَجُلٌ رجلاً فَقالَ: لا نَعْلَمُ إلَّا خيراً، أوْ: ما عَلِمْتُ إلَّا خيراً.

In the narration of the forged story (i.e., the accusation of 'Āishah رَضِيَ اللهُ عَنْها) when the Prophet ﷺ consulted Usāma (regarding 'Āishah), Usāma said, "Keep your wife, as we know nothing about her except good."

وساقَ حَدِيثَ الإفْكِ فَقالَ النَّبِيُّ ﷺ لأسامَةَ حِينَ اسْتَشارَهُ فَقالَ: أهْلَكَ ولا نَعْلَمُ إلَّا خَيراً.

2637. Narrated 'Urwa bin Al-Musaiyab, 'Alqama bin Waqqāṣ and 'Ubaidullāh bin 'Abdullāh رَضِيَ اللهُ عَنْهم about the story of 'Āishah رَضِيَ اللهُ عَنْها and their narrations were similar attesting each other, when the liars said what they invented about 'Āishah, and the Divine Revelation was delayed, Allāh's Messenger ﷺ sent for 'Alī and Usāma to consult them in divorcing his wife (i.e., 'Āishah). Usāma said, "Keep your wife, as we know nothing about her except good." Barira said, "I cannot accuse her of any defect except that she is still a young girl who sleeps, neglecting her family's dough which the domestic goats come to eat (i.e., she was too simple-minded to deceive her husband)." Allāh's Messenger ﷺ said, "Who can help me to take revenge over the man who has

٢٦٣٧ - **حَدَّثَنا** حَجّاجٌ: حدَّثَنا عَبْدُ اللهِ بنُ عُمَرَ النميريُّ: حدَّثَنا ثَوبانُ. وقالَ اللَّيْثُ: حدَّثَني يُونس، عَنِ ابنِ شِهابٍ قالَ: أخْبرني عُرْوَةُ بنُ الزُّبَيرِ وابنُ المُسَيَّبِ وعَلْقَمَةُ بنُ وقّاصٍ وعُبَيْدُ اللهِ بنُ عَبْدِ اللهِ عَنْ حَدِيثِ عائِشَةَ رَضِيَ اللهُ عَنْها، وبَعْضُ حَدِيثِهِمْ يُصَدِّقُ بَعْضاً حِينَ قالَ لَها أهْلُ الإفْكِ مَا قَالُوا، فَدَعا رَسُولُ اللهِ ﷺ عَلِيّاً وأُسامَةَ حِينَ اسْتَلْبَثَ الوَحْيُ يَسْتأمِرُهُمَا في فِراقِ أهْلِهِ، فأمَّا أُسامَةُ فَقالَ: أهْلُكَ ولا

نَعْلَمُ إلَّا خَيراً، وقالَتْ بَرِيرَةُ: إنْ رَأيْتُ عَلَيها أمْراً أغْمِصُهُ أكْثَرَ مِنْ أنَّها جارِيَةٌ حَدِيثَةُ السِّنِّ تَنامُ عَنْ عَجِينِ أهْلِها، فَتَأتي الدَّاجِنُ فَتَأكُلُهُ. فَقالَ رَسُولُ اللهِ ﷺ: «مَنْ يَعْذِرنا في رَجُلٍ بَلَغَني أذاهُ في أهْلِ بَيْتي؟ فَوَاللهِ ما عَلِمْتُ منْ أهْلي إلَّا خَيراً، ولَقَدْ ذَكَرُوا رَجُلاً ما عَلِمْتُ عَلَيْهِ إلَّا خَيراً». [راجع: ٢٥٩٣]

harmed me by defaming the reputation of my family? By Allāh, I have not known about my family anything except good, and they mentioned (i.e., accused) a man about whom I did not know anything except good."

(٣) بابُ شَهادَةِ المُخْتَبِئِ

وأجازَهُ عَمْرُو بنُ حُرَيْثٍ قالَ: وكَذٰلكَ يُفْعَلُ بالكاذِبِ الفاجِرِ، وقالَ الشَّعْبِيُّ وابنُ سِيرِينَ وعَطاءٌ وقَتادَةُ: السَّمْعُ شَهادَةٌ. وكَانَ الحَسَنُ يَقُولُ: لَمْ يُشْهِدُوني عَلى شَيْءٍ وَلَكِن سَمِعْتُ كَذا وكَذا.

(3) CHAPTER. The witness of an eavesdropper.

'Amr bin Ḥuraith allowed such a witness and said, "This is the way to be followed to discover the reality of an evil person." Ibn Sīrīn, 'Aṭā' and Qatāda said, "A witness can be based on hearing only (i.e., even if the hearer does not see the speaker.)" Al-Ḥasan used to say at the time of giving evidence, "They did not make me a witness but I heard such and such."

٢٦٣٨ - حَدَّثَنا أبُو اليَمانِ: أخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ: قالَ سالِمٌ: سَمِعْتُ عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ: انْطَلَقَ رَسُولُ اللهِ ﷺ وأُبَيُّ ابنُ كَعْبٍ الأنْصارِيُّ يَؤُمَّانِ النَّخْلَ الَّتي فِيها ابنُ صَيَّادٍ حتَّى إذَا دَخَلَ رَسُولُ اللهِ ﷺ طَفِقَ رَسُولُ اللهِ ﷺ يَتَّقِي بِجُذُوعِ النَّخْلِ وهُوَ يَخْتِلُ أنْ يَسْمَعَ من ابنِ صَيَّادٍ شَيْئاً قَبْلَ أنْ يَراهُ، وابنُ صَيَّادٍ مُضْطَجِعٌ عَلى فِرَاشِهِ في قَطِيفَةٍ لَهُ فِيها رَمْرَمَةٌ، أوْ

2638. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ and Ubaī bin Ka'b Al-Anṣārī went to the garden where Ibn Ṣaiyyād used to live. When Allāh's Messenger ﷺ entered (the garden), he (i.e., Allāh's Messenger ﷺ) started hiding himself behind the date-palms as he wanted to hear secretly the talk of Ibn Ṣaiyyād before the latter saw him. Ibn Ṣaiyyād wrapped with a soft decorated sheet was lying on his bed murmuring. Ibn Ṣaiyyād's mother saw the Prophet ﷺ hiding behind the stems of the date-palms. She addressed Ibn Ṣaiyyād saying, "O Ṣāf, this is Muḥammad." Hearing that Ibn Ṣaiyyād stopped murmuring (or got cautious), the Prophet ﷺ said, "If she had left him undisturbed, he

زَمْزَمَةٌ. فَرَأَتْ أُمُّ ابنِ صَيَّادٍ النَّبِيَّ ﷺ وهُوَ يَتَّقِي بِجُذوعِ النَّخْلِ، فَقالَتْ لابْنِ صَيَّادٍ: أيْ صَافِ، هذَا مُحَمَّدٌ، فَتناهَى ابنُ صَيَّادٍ. قالَ النَّبِيُّ ﷺ: «لَوْ تَركَتْهُ بَيَّنَ». [راجع: ١٣٥٥]

would have revealed his reality."

[See Vol. 4, *Hadīth* No.3055, 3056, for details]

٢٦٣٩ - حَدَّثَني عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا سُفيانُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قَالَتْ: جاءَتِ امْرَأَةُ رِفاعَةَ القُرَظِيِّ إلى النَّبِيِّ ﷺ فَقالَتْ: كُنْتُ عِنْدَ رِفاعَةَ فَطَلَّقَنِي فأبَتَّ طَلاقِي، فَتزَوَّجْتُ عَبْدَ الرَّحْمٰنِ بنَ الزَّبِيرِ، إنَّما مَعَهُ مِثْلُ هُدْبَةِ الثَّوْبِ. فَقالَ: «أتُرِيدِينَ أنْ تَرجِعِي إلى رِفاعَةَ؟ لا، حتَّى تَذُوقِي عُسَيْلَتَهُ ويَذُوقَ عُسَيلتَكِ»، وأبُو بَكْرٍ جالِسٌ عِنْدَهُ وخالِدُ بنُ سَعِيدِ بنِ العاصِ بالبابِ يَنْتَظِرُ أنْ يُؤْذَنَ لَهُ. فَقالَ: يا أبا بَكْرٍ، ألا تَسْمَعُ إلى هذِهِ ما تَجْهَرُ بِهِ عِنْدَ النَّبِيِّ ﷺ؟. [انظر: ٥٢٦٠، ٥٢٦١، ٥٢٦٥، ٥٣١٧، ٥٧٩٢، ٥٨٢٥، ٦٠٨٤]

2639. Narrated 'Āishah رَضِيَ اللهُ عَنها: The wife of Rifā'a Al-Quraẓī came to the Prophet ﷺ and said, "I was Rifā'a's wife, but he divorced me and it was a final irrevocable divorce. Then I married 'Abdur-Rahmān bin Az-Zubair but he is impotent." The Prophet ﷺ asked her, "Do you want to re-marry Rifā'a? You cannot, unless you enjoy a complete sexual relation with your present husband and he enjoys a complete sexual relation with you." Abū Bakr was sitting with Allāh's Messenger ﷺ and Khālid bin Sa'īd bin Al-'Āṣ was at the door waiting to admitted. He said, "O Abū Bakr! Do you hear what this (woman) is revealing frankly before the Prophet ﷺ?"

(٤) بابٌ إذا شَهِدَ شاهِدٌ، أوْ شُهُودٌ بِشَيْءٍ. وقَالَ آخَرُونَ: ما عَلِمْنا بذلكَ؛ يُحْكَمُ بِقَولِ مَنْ شَهِدَ.

(4) CHAPTER. When a witness or witnesses give an evidence.

قالَ الحُمَيْدِيُّ. هذَا كما أخْبَرَ بِلالٌ أنَّ النَّبِيَّ ﷺ صلَّى في الكَعْبَةِ. وقالَ الفَضْلُ: لَمْ يُصَلِّ، فأخَذَ النَّاسُ بِشَهادَةِ بِلالٍ. كَذلكَ إنْ شَهِدَ

And some people say that they do not know such an evidence, then the case will be decided according to the statement of the witnesses. A-Humaidi said, "This (judgement) was adopted when Bilāl said that the Prophet ﷺ had offered *Ṣalāt*

(prayer) inside the Ka'bah while Al-Faḍl said that he had not offered *Ṣalāt*, so the people accepted Bilāl's assertion. Similarly, if two persons give witness that such a person owes another one thousand Dirham, but two other witnesses state that he owes him one thousand and five hundred Dirham then the judgement will be based on the higher amount.

شاهِدَانِ أنَّ لِفُلانٍ عَلى فُلانٍ ألْفَ دِرْهَمٍ وشَهِدَ آخَرَانِ بألْفٍ وخمسمائَةٍ يُقْضَى بالزِّيادَةِ.

2640. Narrated 'Abdullāh bin Abū Mulaika from 'Uqba bin Al-Ḥārith: 'Uqba married the daughter of Abū Ihāb bin 'Azīz, and then a woman came and said, "I suckled 'Uqba and his wife." 'Uqba said to her, "I do not know that you have suckled me, and you did not inform me." He then sent someone to the house of Abū Ihāb to enquire about that but they did not know that she had suckled their daughter. Then 'Uqba went to the Prophet ﷺ in Al-Madīna and asked him about it. The Prophet ﷺ said to him, "How (can you keep your wife) after it has been said (that both of you were suckled by the same woman)?" So, he divorced her and she was married to another man.

٢٦٤٠ - حَدَّثَنَا حِبَّانُ: أخْبرَنا عَبْدُ اللهِ: أخْبرَنا عَمْرُو بنُ سَعِيدِ بنِ أبي حُسَينٍ قالَ: أخْبرَني عَبْدُ اللهِ بنُ أبي مُلَيْكَةَ، عَنْ عُقْبَةَ بنِ الحَارِثِ: أنَّهُ تَزَوَّجَ ابْنَةً لأبي إهابِ ابنِ عَزِيزٍ فأتَتْهُ امْرَأةٌ فَقالَتْ: قَدْ أرْضَعْتُ عُقْبَةَ والَّتي تَزَوَّجَ، فَقالَ لَهَا عُقْبَةُ: ما أعْلَمُ أنَّكِ أرْضَعْتِني ولا أخْبرْتِني، فأرْسَلَ إلى آلِ أبي إهَابٍ يَسْألُهُمْ، فَقالُوا: ما عَلِمْناه أرْضَعَتْ صَاحِبَتَنا، فَرَكِبَ إلى النَّبيِّ ﷺ بالمَدِينَةِ فَسَألَهُ، فَقالَ رَسُولُ اللهِ ﷺ: «كَيْفَ وقَدْ قِيلَ؟» فَفارَقَها ونَكَحَتْ زَوْجاً غَيرَهُ.

[راجع: ٨٨]

(5) CHAPTER. The just witnesses. And the Statement of Allāh تعالى:

"And take as witness two just persons from among you (Muslims)..." (V.65:2)

"... such as you agree for witnesses..." (V.2:282)

(٥) بابُ الشُّهَدَاءِ العُدُولِ،

وقَوْلِ اللهِ تَعالى: ﴿وَأَشْهِدُوا ذَوَىْ عَدْلٍ مِّنكُمْ﴾ [الطلاق: ٢] و﴿مِمَّن تَرْضَوْنَ مِنَ الشُّهَدَآءِ﴾ [البقرة: ٢٨٢].

2641. Narrated 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُ: People were (sometimes) judged by the revealing of a Divine Revelation during the lifetime of Allāh's Messenger ﷺ, but now there is no longer any more (new revelation). Now, we judge you by the deeds

٢٦٤١ - حَدَّثَنَا الحَكَمُ بنُ نافعٍ، أخْبرَنا شُعَيْبٌ، عَنِ الزُّهْريِّ قالَ: حدَّثَني حُمَيْدُ ابنُ عَبْدِ الرَّحْمَنِ بنِ عَوْفٍ: أنَّ عَبْدَ اللهِ بنَ عُتْبَةَ قالَ:

you practise publicly, so we will trust and favour the one who does good deeds in front of us, and we will not call him to account about what he is really doing in secret, for Allāh will judge him for that; but we will not trust or believe the one who presents to us with an evil deed even if he claims that his intentions were good.

سَمِعْتُ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ يَقُولُ: إنَّ أُناساً كانُوا يُؤْخَذُونَ بالوَحْيِ في عَهْدِ رَسُولِ اللهِ ﷺ وإنَّ الوَحيَ قدِ انْقَطَعَ، وإنَّما نَأْخُذُكُمُ الآنَ بِما ظَهَرَ لَنا مِنْ أعْمالِكُمْ، فَمَنْ أظْهَرَ لَنا خَيراً أمِنَّاهُ وَقَرَّبْناهُ، ولَيْسَ إلينا مِنْ سَريرَتِهِ شَيْءٌ، اللهُ يُحاسِبُ في سَريرَتِهِ، ومَنْ أظْهَرَ لَنا سُوءاً لَمْ نَأْمَنْهُ ولَمْ نُصَدِّقْهُ، وإنْ قالَ: إنَّ سَريرَتَهُ حَسَنَةٌ.

(6) CHAPTER. How many witnesses are sufficient to attest one's good or bad record?

(٦) بابٌ تَعْدِيلِ كَمْ يَجُوزُ؟

2642. Narrated Anas رَضِيَ اللهُ عَنْهُ: A funeral procession passed in front of the Prophet ﷺ and the people praised the deceased. The Prophet ﷺ said, "It has been affirmed (Paradise)." Then another funeral procession passed by and the people talked badly of the deceased. The Prophet ﷺ said, "It has been affirmed (Hell)." Allāh's Messenger ﷺ was asked, "O Allāh's Messenger! You said it has been affirmed for both?" The Prophet ﷺ said, "The testimony of the people (is accepted), (for) the believers are Allāh's witnesses on the earth."

٢٦٤٢ - حَدَّثَنا سُلَيمانُ بنُ حَرْبٍ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ، عَنْ ثابِتٍ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: مُرَّ عَلى النَّبِيِّ ﷺ بِجنَازَةٍ فأثْنَوْا عَلَيها خَيْراً، فَقالَ: «وجَبَتْ». ثُمَّ مُرَّ بأُخْرَى فأثْنَوْا عَلَيها شَرًّا، أو قالَ: غَيرَ ذٰلكَ. فَقالَ: «وجَبَتْ». فَقيلَ: يا رَسُولَ اللهِ، قُلْتَ لِهٰذا: «وجَبَتْ» وَلِهٰذا: «وَجَبَتْ» قالَ: «شَهادَةُ القَوْمِ، المُؤْمِنُونَ شُهَدَاءُ اللهِ في الأرْضِ». [راجع: ١٣٦٧]

2643. Narrated Abū Al-Aswad: Once I went to Al-Madīna and at that time there was an outbreak of disease and the people were dying rapidly. I was sitting with 'Umar رَضِيَ اللهُ عَنْهُ and a funeral procession passed by. The people praised the deceased. 'Umar said, "It has been affirmed (Paradise)." Then another funeral procession passed by. The people

٢٦٤٣ - حَدَّثَنا مُوسَى بنُ إسْمَاعِيلَ: حدَّثَنا دَاوُدُ بنُ أبي الفُراتِ: حدَّثَنا عَبْدُ اللهِ بنُ بُرَيْدَةَ عَنْ أبي الأسْوَدِ قالَ: أتَيْتُ المَدِينَةَ وقَدْ وَقَعَ بِها مَرَضٌ وهُمْ يَمُوتُونَ مَوْتاً

praised the deceased. 'Umar said, "It has been affirmed (Paradise)." Then a third funeral procession passed by and the people talked badly of the deceased. 'Umar said, "It has been affirmed (Hell)." I asked 'Umar, "O chief of the believers! What has been affirmed?" He said, "I have said what the Prophet ﷺ said. He ﷺ said, 'Allāh will admit into Paradise any Muslim whose good character is attested by four persons.' We asked the Prophet ﷺ, 'If there were three witnesses only?' He said, 'Even three.' We asked, 'If there were two only?' He said, 'Even two.' But we did not ask him about one witness."

ذَرِيعاً فَجَلَسْتُ إلى عُمَرَ رَضِيَ اللهُ عَنْهُ فَمَرَّتْ جَنازَةٌ فأُثْنِيَ خيراً، فَقالَ عُمَرُ: وجَبَتْ. ثُمَّ مُرَّ بأُخْرَى فأُثْنِيَ خَيراً فَقالَ: وَجَبَتْ. ثُمَّ مُرَّ بِالثَّالِثِ فأُثْنِيَ شَرًّا فَقالَ: وجَبَتْ، فَقُلْتُ: ما (وَجَبَتْ) يا أمِيرَ المُؤْمِنِينَ؟ قالَ: قُلْتُ كما قالَ النَّبِيُّ ﷺ: «أيُّما مُسْلِم شَهِدَ لَهُ أرْبَعَةٌ بخَيرٍ أدْخَلَهُ اللهُ الجَنَّةَ». قُلْنا: وثَلاثَةٌ؟ قالَ: «وثَلاثَةٌ»، قُلْنَا: واثْنانِ؟ قالَ: «واثْنَانِ»، ثُمَّ لمْ نَسْألْهُ عَنِ الوَاحِدِ.

[راجع: ١٣٦٨]

(7) CHAPTER. To give witness concerning lineage, foster suckling relations and dead persons, who died long before.

(٧) بابُ الشَّهادَةِ عَلى الأنْسابِ والرَّضاعِ المُسْتَفِيضِ والمَوْتِ القَدِيمِ

The Prophet ﷺ said, "I and Abū Salama were suckled by Thuwaiba."

The necessity of being sure of the witness in such cases.

وقالَ النَّبِيُّ ﷺ: «أرْضَعَتْني وأبا سَلَمَةَ ثُوَيْبَةُ»، والتَّثَبُّتِ فِيهِ.

2644. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Aflaḥ asked the permission to visit me but I did not allow him. He said, "Do you veil yourself before me although I am your uncle?" 'Āishah said, "How is that?" Aflaḥ replied, "You were suckled by my brother's wife with my brother's milk." I asked Allāh's Messenger ﷺ about it, and he said, "Aflaḥ is right, so permit him to visit you."

٢٦٤٤ - حَدَّثَنا آدَمُ: حدَّثنا شُعْبَةُ: أخبرَنا الحَكَمُ، عَنْ عِرَاكِ بنِ مالِكٍ، عَنْ عُرْوَةَ ابنِ الزُّبَيرِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَت: اسْتَأذَنَ عَلَيَّ أفْلَحُ فَلَمْ آذَنْ لَهُ. فَقالَ: أتَحْتَجِبينَ مِنِّي وأنا عَمُّكِ؟ فَقُلْتُ: وكَيْفَ ذٰلكَ؟ فَقالَ: أرْضَعَتْكِ امْرَأةُ أخِي بِلَبَنِ أخِي. فَقالَتْ: سَألْتُ عَنْ ذٰلكَ رَسُولَ اللهِ ﷺ فَقالَ: «صَدَقَ أفْلَحُ، ائْذَني لَهُ». [انظر: ٤٧٩٦، ٥١٠٣، ٥١١١، ٥٢٣٩، ٦١٥٦]

2645. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said about Ḥamza's daughter, "I am not legally permitted to marry her, as foster suckling relations are treated like blood relations (in marital affairs). She is the daughter of my foster brother."

٢٦٤٥ - حَدَّثَنَا مُسْلِمُ بنُ إِبْرَاهِيمَ: حدَّثنا هَمَّامٌ: حدَّثنا قَتادَةُ، عَنْ جابِرِ بنِ زَيْدٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبِيُّ ﷺ في بِنْتِ حَمْزَةَ: «لا تَحِلُّ لي، يَحْرُمُ مِنَ الرَّضاعةِ ما يَحْرُمُ مِنَ النَّسَبِ، هِيَ ابْنَةُ أخِي مِنَ الرَّضاعَةِ».
[انظر: ٥١٠٠]

2646. Narrated 'Āishah رَضِيَ اللهُ عَنْها, the wife of the Prophet ﷺ: While the Prophet ﷺ was with me (in my house), I heard a man asking Ḥafṣa's permission to enter her house. 'Āishah رَضِيَ اللهُ عَنْها further said, "I said, 'O Allāh's Messenger! I think the man is Ḥafṣa's foster uncle.'" 'Āishah added, "O Allāh's Messenger! There is a man asking the permission to enter your house." Allāh's Messenger ﷺ replied, "I think the man is Ḥafṣa's foster uncle." 'Āishah said, "If so-and-so were living (i.e., her foster uncle) would he be allowed to visit me?" Allāh's Messenger ﷺ said, "Yes, he would, as the foster suckling relations are treated like blood relations (in marital affairs)." [i.e., those things which are illegal because of blood relations are to be considered as illegal because of the corresponding foster suckling relations].

٢٦٤٦ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبرَنا مالكٌ، عَنْ عَبْدِ اللهِ بنِ أبي بَكْرٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ: أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها زَوْجَ النَّبِيِّ ﷺ أخْبرَتها: أنَّ النَّبِيَّ ﷺ كانَ عِنْدَها وأنَّها سَمِعَتْ صَوْتَ رَجُلٍ يَسْتَأذِنُ في بَيْتِ حَفْصَةَ، قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها: فَقُلْتُ: يا رَسُولَ اللهِ، أُرَاهُ فُلاناً، لِعَمِّ حَفْصَةَ مِنَ الرَّضَاعَةِ. فَقالَتْ عائِشَةُ: يا رَسُولَ اللهِ، هذَا رَجُلٌ يَسْتَأذِنُ في بَيْتِكَ. قالَتْ: فَقالَ رَسُولُ اللهِ ﷺ: «أُرَاهُ فُلاناً لِعَمِّ حَفْصَةَ مِنَ الرَّضاعِ»، فَقالَتْ عائِشَةُ: لَوْ كانَ فُلانٌ - حَيّاً لِعَمِّها مِنَ الرَّضاعَةِ - دَخَلَ عَلَيَّ؟ فَقالَ رَسُولُ اللهِ ﷺ: «نَعَمْ إنَّ الرَّضَاعَةَ يَحْرُمُ مِنْهَا ما يَحْرُمُ مِنَ الوِلادَةِ». [انظر: ٣١٠٥، ٥٠٩٩]

2647. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Once the Prophet ﷺ came to me while a man was in my house. He said, "O 'Āishah! Who is

٢٦٤٧ - حَدَّثَنَا مُحَمَّدُ بنُ كَثِيرٍ: أخْبرَنا سُفْيانُ، عَنْ أشْعَثَ بنِ أبي

this (man)?" I replied, "My foster brother." He said, "O 'Āishah! Be sure about your foster brothers, as fostership is only valid if it takes place in the suckling period (before two years of age as the child sucks with hunger)."

الشَّعْثاءِ، عَنْ أبيهِ، عَنْ مَسْرُوقٍ: أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: دَخَلَ عَلَيَّ النَّبِيُّ ﷺ وعِنْدِي رَجُلٌ فَقالَ: «يا عائِشَةُ، مَنْ هذا؟» قُلْتُ: أخِي مِنَ الرَّضاعَةِ، قالَ: «يا عائِشَةُ انْظُرْنَ مَنْ إخْوانُكُنَّ فإنَّما الرَّضاعَةُ مِنَ المجاعَةِ». تابَعَهُ ابنُ مَهْدِيٍّ عَنْ سُفْيانَ. [٥١٠٢]

(8) CHAPTER. The witness of a person falsely accusing somebody of illegal sexual intercourse and the witness of a thief or an adulterer.

(٨) بابُ شَهادَةِ القاذِفِ والسَّارِقِ والزَّاني،

The Statement of Allāh عزَّ وجَلَّ: "...And reject their testimony forever, they indeed are the *Fāsiqūn* (liars, rebellious, disobedient to Allāh). Except those who repent thereafter and do righteous deeds..." (V.24:4,5)

'Umar gave legal punishment of scourging to Abū Bakra, Shibl bin Ma'bad and Nāfi' for accusing Al-Mughīra for illegal sexual intercourse falsely, and then they were made to repent and he said that whoever repented, his witness would be accepted (in the future). 'Abdullāh bin 'Utba,' 'Umar bin 'Abdul Azīz, Sa'īd bin Jubair, Ṭāwūs, Mujāhid, Ash-Sha'bī, 'Ikrima, Az-Zuhrī, Muhārib bin Dithār, Shuraiḥ and Mu'āwīya bin Qurra considered it permisible (i.e., the witness of the false accusers after being punished). Abū Az-Zinād said, "Our verdict in Al-Madīna is that, if the false accuser (of others of illegal sexual intercourse) withdraws the accusation and repents, then his (future) witness is acceptable." Ash-Sha'bī and Qatāda said, "If he tells that he has told a lie, the legal punishment will be instituted against him,

وقَوْلِ اللهِ عَزَّ وجَلَّ: ﴿وَٱلَّذِينَ يَرْمُونَ ٱلْمُحْصَنَٰتِ ثُمَّ لَمْ يَأْتُوا۟ بِأَرْبَعَةِ شُهَدَآءَ فَٱجْلِدُوهُمْ ثَمَٰنِينَ جَلْدَةً وَلَا تَقْبَلُوا۟ لَهُمْ شَهَٰدَةً أَبَدًا ۚ وَأُو۟لَٰٓئِكَ هُمُ ٱلْفَٰسِقُونَ ﴿٤﴾ إِلَّا ٱلَّذِينَ تَابُوا۟ مِنۢ بَعْدِ ذَٰلِكَ وَأَصْلَحُوا۟ فَإِنَّ ٱللَّهَ غَفُورٌ رَّحِيمٌ ﴿٥﴾﴾ [النور: ٤ - ٥] وجَلَدَ عُمَرُ أبا بَكْرَةَ وشِبْلَ بنَ مَعْبَدٍ ونافِعاً بِقَذْفِ المُغِيرَةِ، ثُمَّ اسْتَتابَهُمْ. وقالَ: مَنْ تابَ قُبِلَتْ شَهادَتُهُ. وأجازَهُ عَبْدُ اللهِ ابنُ عُتْبَةَ، وعُمَرُ بنُ عَبْدِ العَزِيزِ، وسَعِيدُ بنُ جُبَيْرٍ، وطاوُسٌ ومُجاهِدٌ والشَّعْبِيُّ وعِكْرِمَةُ والزُّهْرِيُّ ومُحارِبُ بنُ دِثارٍ وشُرَيْحٌ ومُعاوِيَةُ بنُ قُرَّةَ، وقالَ أبُو الزِّنادِ: الأمْرُ عِنْدَنا بالمَدِينَةِ إذَا رَجَعَ القاذِفُ عَنْ قَوْلِه فاسْتَغْفَرَ رَبَّهُ قُبِلَتْ شَهادَتُهُ. وقالَ الشَّعْبِيُّ وقَتادَةُ: إذَا أكْذَبَ نَفْسَهُ جُلِدَ وقُبِلَتْ شَهادَتُهُ. وقالَ الثَّوْرِيُّ: إذَا جُلِدَ

العَبْدُ ثُمَّ أُعْتِقَ جازَتْ شَهادَتُهُ، وإنِ اسْتُقْضِيَ المَحْدُودُ فَقضاياهُ جائِزَةٌ، وقالَ بَعْضُ النَّاسِ: لا تجُوزُ شَهادَةُ القاذِفِ وإنْ تابَ، ثُمَّ قالَ: لا يَجُوزُ نِكاحٌ بِغَيرِ شاهِدَيْنِ فإنْ تَزَوَّجَ بِشَهادَةِ مَحْدودَيْنِ جازَ، وإنْ تَزَوَّجَ بِشَهادَةِ عَبْدَيْنِ لَمْ يَجُزْ. وأجازَ شَهادَةَ العَبْدِ وَالمَحْدُودِ والأَمَةِ لِرُؤيَةِ هِلالِ رَمَضانَ وكَيْفَ تُعرفُ تَوْبَتُهُ. ونَفَى النَّبِيُّ ﷺ الزَّانِيَ سنَةً، ونَهَى النَّبِيُّ ﷺ عَنْ كَلامِ كَعْبِ بنِ مالِكٍ وصاحِبَيْهِ حتَّى مَضَى خَمْسُونَ لَيْلَةً.

but his (future) witness will be accepted."

Ath-Thaurī said, "If a slave is scourged (for falsely accusing others of illegal sexual intercourse) and later on he is manumitted, then his (future) witness is to be accepted. If somebody who has received such punishment is made a judge, his decisions will be valid."

Some people said, "The witness of a false-accuser is not to be accepted even if he repented." They added: "The marriage is not legal unless it is witnessed by two witnesses; it is permissible that the two witnesses can be those who have received such punishments, but the slaves are not to be accepted as witnesses to marriage." He accepts the witness of the person who has received the punishment (for falsely accusing others of illegal sexual intercourse) and the witness of a male slave and a female slave concerning the appearance of the new moon (i.e., crescent) (of the month of fasting etc.). How to know the repentance of a person who has received the punishment of false accusation and no doubt, the Prophet ﷺ kept an adulterer in exile for one year. The Prophet ﷺ did not allow anybody to talk to Ka'b bin Mālik and his two companions for fifty days.

٢٦٤٨ - حَدَّثَنا إسْماعِيلُ قالَ: حدَّثَني ابنُ وَهْبٍ عَنْ يُونُسَ. وقالَ اللَّيْثُ: حدَّثَني يُونُسُ عَنِ ابنِ شِهابٍ: أخْبَرَني عُرْوَةُ بنُ الزُّبَيرِ: أنَّ امْرَأةً سَرَقَتْ في غَزْوَةِ الفَتْحِ فأُتِيَ بها رَسُولُ اللهِ ﷺ ثُمَّ أمَرَ بها فَقُطِعَتْ يَدُها، قالَتْ عائِشَةُ: فَحَسُنَتْ تَوْبَتُها وتَزَوَّجَتْ وكانَتْ تَأتي بَعْدَ ذٰلِكَ فأرْفَعُ حاجَتَها إلى رَسُولِ اللهِ ﷺ.

2648. Narrated 'Urwa bin Az-Zubair: A woman committed theft in the *Ghazwa* of the Conquest (of Makkah) and she was taken to the Prophet ﷺ who ordered her hand to be cut off. 'Āishah said, "Her repentance was perfect and she was married (later) and used to come to me (after that) and I would present her needs to Allāh's Messenger ﷺ."

[انظر: ٣٤٧٥، ٣٧٣٢، ٣٧٣٣، ٤٣٠٤، ٦٧٨٧، ٦٧٨٨، ٦٨٠٠]

2649. Narrated Zaid bin Khalid رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ ordered that an unmarried man who committed illegal sexual intecourse be scourged one hundred lashes and sent into exile for one year.

٢٦٤٩ - حَدَّثَنَا يَحيى بنُ بُكَير: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ، عَنْ زَيْدِ بنِ خالِدٍ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ: أنَّهُ أمَرَ فِيمَنْ زَنى ولَمْ يُحْصِنْ بِجَلْدِ مائَةٍ وتَغْرِيبِ عامٍ.

[راجع: ٢٣١٤]

(9) CHAPTER. Do not be a witness for injustice, if asked for that.

(٩) بابٌ: لا يَشْهَدُ عَلى شَهادَةِ جَوْرٍ إذَا أُشْهِدَ

2650. Narrated An-Nu'mān bin Bashīr رَضِيَ اللهُ عَنْهُما: My mother asked my father to present me a gift from his property; and he gave it to me after some hesitation. My mother said that she would not be satisfied unless the Prophet ﷺ is made a witness to it. I being a young boy, my father held me by the hand and took me to the Prophet ﷺ. He said to the Prophet ﷺ, "His mother, bint Rawaha, requested me to give this boy a gift." The Prophet ﷺ said, "Do you have other sons besides him?" He said, "Yes." The Prophet ﷺ said, "Do not make me a witness for injustice."

Narrated Ash-'Sha'bī that the Prophet ﷺ said, "I will not become a witness for injustice."

٢٦٥٠ - حَدَّثَنا عَبْدانُ: حَدَّثَنا عَبْدُ اللهِ: أخْبرَنا أبو حَيَّانَ التَّيْمِيُّ، عَنِ الشَّعْبِيِّ، عَنِ النُّعْمانِ بنِ بَشِيرٍ رَضِيَ اللهُ عَنْهُما قالَ: سَألَتْ أُمِّي أبي بَعْضَ المَوْهِبَةِ لي منْ مالِهِ، ثُمَّ بَدَا لَهُ فَوَهبها لي فَقالَتْ: لا أرْضَى حتَّى تُشْهِدَ النَّبيَّ ﷺ، فأخَذَ بِيَدِي وأنا غُلامٌ فأتَى بيَ النَّبِيَّ ﷺ فَقالَ: إنَّ أُمَّهُ بِنْتَ رواحَةَ سَألَتْني بَعْضَ المَوْهِبَةِ لِهٰذَا. قالَ: «ألَكَ ولَدٌ سِواهُ؟» قالَ: نَعَمْ، قالَ: فأُرَاهُ قالَ: «لا تُشْهِدْني عَلى جَوْرٍ». وقالَ أبو حَرِيزٍ، عَنِ الشَّعْبِيِّ: «لا أشْهَدُ عَلى جَوْرٍ». [راجع: ٢٥٨٦]

2651. Narrated Zahdam bin Mudarrib: I heard 'Imran bin Huṣain رَضِيَ اللهُ عَنْهُما saying, "The Prophet ﷺ said, 'The best amongst you people are those living in my century (generation), then those coming after them,

٢٦٥١ - حَدَّثَنا آدَمُ: حدَّثَنا شُعْبَةُ: حدَّثَنا أبُو جَمْرَةَ: قالَ سَمِعْتُ زَهْدَمَ بنَ مُضرِّبٍ: قالَ سَمِعْتُ

and then those coming after [the second century (generation)].'" 'Imran said, "I do not know whether the Prophet ﷺ mentioned two or three centuries (generations) after your present century (generation). The Prophet ﷺ added, 'There will be some people after you, who will be dishonest and will not be trustworthy and will give witness (evidences) without being asked to give witness, and will vow but will not fulfil their vows, and fatness will appear among them'."

عِمْرَانَ بنَ حُصَينٍ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبيُّ ﷺ: «خَيرُكُمْ قَرْني، ثُمَّ الَّذِينَ يَلُونَهُمْ، ثُمَّ الَّذِينَ يَلُونَهُمْ». قالَ عِمْرَانُ: لا أَدْرِي أَذكَرَ النَّبيُّ ﷺ بَعْدُ قَرْنَينِ أَوْ ثَلاثَة. قالَ النَّبيُّ ﷺ: «إنَّ بَعْدَكُمْ قَوْماً يَخُونُونَ ولا يُؤْتَمَنُونَ ويَشْهَدُونَ ولا يُسْتَشْهَدُونَ ويَنْذِرُونَ وَلا يَفُونَ، ويَظْهَرُ فِيهِمُ السِّمَنُ».

[انظر: ٣٦٥٠، ٦٤٢٨، ٦٦٩٥]

2652. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said: "The best people are the people of my century (generation), then those coming after them, and then those coming after the latter. After that there will come some people whose witness will precede their oaths, and their oaths will precede their witness." Ibrāhīm (a sub-narrator) said, "We used to be beaten for taking oaths by saying, 'I bear witness by the Name of Allāh or by the Covenant of Allāh'."[1] (See H. 3651, 6429, 6658)

٢٦٥٢ - حَدَّثَنا مُحَمَّدُ بنُ كَثِيرٍ: أَخْبرَنا سُفْيانُ عَنْ مَنْصُورٍ، عَنْ إبْرَاهِيمَ، عَنْ عُبَيْدَةَ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ ﷺ قالَ: «خَيرُ النَّاسِ قَرْني ثُمَّ الَّذِينَ يَلُونَهُمْ، ثُمَّ الَّذِينَ يَلُونَهُمْ، ثُمَّ يَجِيءُ أَقْوَامٌ تَسْبِقُ شَهادَةُ أَحَدِهِمْ يَمِينَهُ ويَمِينُهُ شَهادَتَهُ». قالَ إبْرَاهِيمُ: وكانُوا يَضْرِبُونَنا عَلى الشَّهادَةِ والعَهْدِ.

[انظر: ٣٦٥١، ٦٤٢٩، ٦٦٥٨]

(10) CHAPTER. What has been said about false witness.

(١٠) بابُ ما قِيلَ في شَهادَةِ الزُّورِ

In respect of the Saying of Allāh تعالى:

"And those who do not bear witness to falsehood..." (V.25:72)

What is said about hiding or concealing evidences, as Allāh تعالى says:

"... And conceal not the evidence for he, who hides it, surely his heart is sinful. And

لِقَوْلِ اللهِ عَزَّ وجَلَّ: ﴿وَالَّذِينَ لَا يَشْهَدُونَ الزُّورَ﴾ [الفرقان: ٧٢] وكِتْمانِ الشَّهادَةِ لِقَوْلِهِ تَعالى: ﴿وَلَا تَكْتُمُوا الشَّهَادَةَ وَمَن يَكْتُمْهَا فَإِنَّهُۥٓ ءَاثِمٌ قَلْبُهُۥ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ﴾ [البقرة:

(1) (H. 2652) Ibrāhīm means that when they were still boys, their elders would beat them if they took oaths, so that they would not get accustomed to taking oaths on all occasions even needlessly. *(Fatḥ Al-Bārī)*

[٢٨٣ ﴿تَلْوُوٓا﴾ [النساء: ١٣٥] أَلْسِنَتَكُمْ بِالشَّهَادَةِ.

Allah is All-Knower of what you do." (V.2:283)

"... And if you distort your witness (V.4:135) means 'distort your witness with your tongues..."

٢٦٥٣ - حَدَّثَنَا عَبْدُ اللهِ بنُ مُنِيرٍ: سَمِعَ وَهْبَ بنَ جَرِيرٍ وعَبْدَ المَلِكِ بنَ إِبْرَاهِيمَ قالا: حدَّثَنا شُعْبَةُ عَنْ عُبَيْدِ اللهِ ابنِ أبي بَكْرِ بنِ أَنَسٍ، عن أنسٍ رَضِيَ اللهُ عَنْهُ قالَ: سُئِلَ النَّبِيُّ ﷺ عَنِ الكَبائِرِ قالَ: «الإِشْرَاكُ باللهِ، وعُقُوقُ الوَالِدَيْنِ، وقَتْلُ النَّفْسِ، وشَهادَةُ الزُّورِ».

تابَعَهُ غُنْدَرٌ وأبُو عامِرٍ وبَهْزٌ وعَبْدُ الصَّمَدِ عَنْ شُعْبَةَ. [انظر: ٥٩٧٧، ٦٨٧١]

2653. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ was asked about the great sins, He said, "They are:

(1) To join others in worship with Allāh,

(2) To be undutiful to one's parents,

(3) To kill a person (which Allāh has forbidden to kill) (i.e., to commit the crime of murdering).

(4) And to give a false witness."

٢٦٥٤ - حَدَّثَنَا مُسَدَّدٌ: حدَّثَنا بِشْرُ ابنُ المُفَضَّلِ: حدَّثَنا الجُرَيْرِيُّ، عَنْ عَبْدِ الرَّحْمٰنِ ابنِ أبي بَكْرَةَ، عَنْ أبِيهِ رَضِيَ اللهُ عَنْهُ: قالَ النَّبِيُّ ﷺ: «ألا أُنَبِّئُكُمْ بأكْبرِ الكَبائِرِ؟» ثَلاثاً قالُوا: بَلى يا رَسُولَ اللهِ، قالَ: «الإِشْرَاكُ باللهِ، وعُقُوقُ الوَالِدَيْنِ». وجَلَسَ وكانَ مُتَّكِئاً «ألا وقَوْلُ الزُّورِ». قالَ: فَما زَالَ يُكَرِّرُها حتَّى قُلْنا: لَيْتَهُ سَكَتَ.

وقالَ إِسْمَاعِيلُ بْنُ إبْرَاهِيمَ: حدَّثَنا الجُرَيْرِيُّ: حدَّثَنا عَبْدُ الرَّحْمٰنِ. [انظر: ٥٩٧٦، ٦٢٧٣، ٦٢٧٤، ٦٩١٩]

2654. Narrated Abū Bakra رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said thrice, "Should I inform you about the greatest of the great sins?" They said, "Yes, O Allāh's Messenger!" He said,

"(1) To join others in worship with Allāh

(2) and to be undutiful to one's parents." The Prophet ﷺ then sat up after he had been reclining (on a pillow) and said,

"(3) And I warn you against giving a lying speech (false statement)," and he kept on saying that warning till we thought he would not stop.

[See Vol. 8, *Hadīth* No.5976]

(11) CHAPTER. The witness of a blind man, his marriage, his affairs, the marriage conducted by him, and his buying and selling; and accepting his call for the *Ṣalāt* (prayer), etc., and what can be known by sound or voice.

Al-Qāsim, Al-Ḥasan, Ibn Sīrīn, Az-Zuhrī and 'Aṭā' permitted the witness of the blind. Ash-Sha'bī said, "The witness of a blind man is valid if he is intelligent and witty." Al-Ḥakam said, "The witness of a blind man in certain things is to be accepted." Az-Zuhrī said, "Suppose Ibn 'Abbās gave a witness against me, would you reject his witness?" Ibn 'Abbās used to send a man to watch the sunset so that he might break his fast. He would ask about the dawn, and if he was informed that it was dawn, he would offer two *Rak'ā* prayer. Sulaiman bin Yasar said, "I asked 'Āishah to admit me into her house, and she recognized my voice and said, "Sulaiman! Come in, as you are still a slave so long as you still owe part of the price of your manumission." Samura bin Jundab accepted the evidence of a veiled woman.

(١١) بابٌ شَهادَةِ الأعْمى ونِكاحِهِ، وأمرِهِ، وإنكاحِهِ، ومُبايَعَتِهِ، وقَبُولِهِ في التَّأذِينِ وغَيْرِهِ، وما يُعْرَفُ بالأصْوَاتِ

وأجازَ شَهادَتَهُ القاسِمُ والحَسَنُ وابنُ سِيرِينَ والزُّهْرِيُّ وعَطاءٌ. وقالَ الشَّعْبِي: تَجُوزُ شَهادَتُهُ إذَا كانَ عاقِلاً. وقالَ الحَكَمُ: رُبَّ شَيْءٍ تَجُوزُ فِيهِ. وقالَ الزُّهْرِيُّ: أرَأيْتَ ابنَ عَبَّاسٍ لَوْ شَهِدَ عَلَيَّ شَهادَةً، أكُنْتَ تَرُدُّهُ؟ وكانَ ابنُ عَبَّاسٍ يَبْعَثُ رَجُلاً إذَا غابَتِ الشَّمْسُ أفْطَرَ ويَسْألُ عَنِ الفَجْرِ، فإذَا قِيلَ: طَلَعَ، صلَّى ركعتين. وقالَ سُلَيمانُ ابنُ يَسارٍ: اسْتَأذَنْتُ عَلى عائِشَةَ رَضِيَ اللهُ عَنهَا فَعَرَفَتْ صَوتي، فَقالَتْ: سُليمانُ ادْخُلْ فإنَّكَ مَمْلُوكٌ ما بَقِيَ عَلَيْكَ شَيءٌ. وأجازَ سَمُرَةُ بنُ جُنْدَبٍ شَهادَةَ امْرَأةٍ مُنْتَقِبَةٍ.

2655. Narrated 'Āishah رَضِيَ اللهُ عَنها: The Prophet ﷺ heard a man (reciting the Qur'ān) in the mosque, and he said, "May Allāh bestow His Mercy upon him. No doubt, he made me remember such and such Verses of such and such *Sūrah* which I dropped (from my memory)."

Narrated 'Āishah رَضِيَ اللهُ عَنها: The Prophet ﷺ performed the *Tahajjud* prayer in my house, and then he heard the voice of 'Abbād who was offering *Ṣalāt* (prayer) in the mosque, and said, "O 'Āishah! Is this 'Abbād's voice?" I said, "Yes." He said, "O Allāh! Be Merciful to 'Abbād!"

٢٦٥٥ - **حَدَّثَنا** مُحَمَّدُ بنُ عُبَيْدِ بنِ مَيْمُونٍ: أخْبَرَنا عِيسَى بنُ يُونُسَ، عَنْ هِشامٍ، عَنْ أبيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: سمعَ النَّبِيُّ ﷺ رَجُلاً يَقْرَأُ في المَسْجِدِ، فَقالَ: «رَحِمهُ اللهُ، لَقَدْ أذْكَرَني كَذَا آيَةً أسْقَطْتُهُنَّ منْ سُورَةِ كَذَا وكذَا».

وزَادَ عَبَّادُ بنُ عَبْدِ اللهِ عَنْ عائِشَةَ: تَهَجَّدَ النَّبِيُّ ﷺ في بَيْتِي

فَسمعَ صَوْتَ عَبَّادٍ يُصَلي في المَسْجِدِ فَقالَ: «يا عائِشَةُ، أَصَوْتُ عَبَّادٍ هذَا؟» قُلْتُ: نَعَمْ، قالَ: «اللَّهُمَّ ارْحَمْ عَبَّاداً». [انظر: ٥٠٣٧، ٥٠٣٨، ٥٠٤٢، ٦٣٣٥]

٢٦٥٦ - حَدَّثَنَا مالِكُ بنُ إِسْمَاعِيلَ: حدَّثنا عَبْدُ العَزِيزِ بنُ أبي سَلَمَةَ: أخبرَنا ابنُ شِهابٍ، عَنْ سالم بنِ عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبيُّ ﷺ: «إنَّ بِلالاً يُؤَذِّنُ بِلَيْلٍ فَكُلُوا واشْرَبُوا حتَّى يُؤَذِّنَ»، أوْ قالَ: «حتَّى تَسْمَعُوا أذَانَ ابنِ أُمِّ مَكْتُومٍ»: وكانَ ابنُ أُمِّ مَكْتُوم رَجُلاً أعْمَى لا يُؤَذِّنُ حتَّى يَقُولَ لَهُ النَّاسُ: أصْبَحْتَ. [راجع: ٦١٧]

2656. Narrated 'Abdullah bin 'Umar رضي الله عنهما: The Prophet ﷺ said, "Bilāl pronounces the *Adhān* when it is still night (before dawn), so eat and drink till the next *Adhān* is pronounced (or till you hear Ibn Umm Maktūm's *Adhān*)." Ibn Umm Maktūm was a blind man who would not pronounce the *Adhān* till he was told that it was dawn.

٢٦٥٧ - حَدَّثَنَا زِيادُ بنُ يَحْيى: حدَّثَنا حاتِمُ بنُ وَرْدَانَ: حدَّثَنا أيُّوبُ، عَنْ عَبْدِ اللهِ بنِ أبي مُلَيْكَةَ، عَنِ المِسْوَرِ ابنِ مَخْرَمَةَ رَضِيَ اللهُ عَنْهُما قالَ: قَدِمَتْ عَلى النَّبيِّ ﷺ أقْبِيَةٌ فَقالَ لي أبي مَخْرَمَةُ: انْطَلِقْ بِنا إلَيْهِ عَسَى أنْ يُعْطِينَا مِنْها شَيْئاً، فَقامَ أبي عَلى البابِ فَتَكَلَّمَ فَعرَفَ النَّبيُّ ﷺ صَوْتَهُ خَرَجَ النَّبيُّ ﷺ ومَعَهُ قَباءٌ وهُوَ يُريهِ مَحَاسِنَهُ وهُوَ يَقُولُ: «خَبَأْتُ هذا لكَ، خَبَأْتُ هذَا لكَ». [راجع: ٢٥٩٩]

2657. Narrated Al-Miswar bin Makhrama رضي الله عنهما: Some outer garments were presented to (or received by) the Prophet ﷺ and my father (Makhrama) said to me, "Let us go to the Prophet ﷺ so that he may give us something from the garments." So, my father stood at the door and spoke. The Prophet ﷺ recognized his voice and came out carrying a garment and telling Makhrama the good qualities of that garment, adding, "I have kept this for you, I have kept this for you."

(12) CHAPTER. The witness of women.

And the Statement of Allāh تعالى:
"... And if there are not two men (available), then a man and two women..." (V.2:282)

2658. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Isn't the witness of a woman equal to half of that of a man?" The women said, "Yes." He said, "This is because of the deficiency of a woman's mind."

(١٢) بابُ شَهادةِ النِّساءِ،

وقَوْلِ اللهِ تَعالى: ﴿فَإِن لَّمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَٱمْرَأَتَانِ﴾ [البقرة: ٢٨٢].

٢٦٥٨ - حَدَّثَنا ابنُ أبي مَرْيَمَ: أخبَرَنا مُحَمَّدُ بنُ جَعْفَرٍ قالَ: أخبرني زَيْدٌ، عَنْ عِياضِ ابنِ عَبْدِ اللهِ عَنْ أبي سَعِيدٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ أَنَّهُ قالَ: «أَلَيْسَ شَهادَةُ المرأةِ مِثْلَ نِصْفِ شَهادَةِ الرَّجُلِ؟» قُلْنَ: بَلى، قالَ: «فَذلكَ مِنْ نُقْصانِ عَقْلِها».

[راجع: ٣٠٤]

(13) CHAPTER. The witness of male and female slaves.

Anas said, "The witness of a slave is to be trusted, provided he is a just, well-reputed man." Shuraiḥ and Zurara bin Aūfa considered it permissible. Ibn Sīrīn considered the witness of a slave permissible except when in favour of his master. Al-Hasan and Ibrāhīm considered it permissible in minor matters. Shuraiḥ said, "You are all the sons of slaves and slave-girls."

2659. Narrated 'Uqba bin Al-Ḥārith that he had married Umm Yaḥyā bint Abū Ihāb. He said. "A black slave-lady came and said, 'I suckled you both.' I then mentioned that to the Prophet ﷺ who turned his face aside." Uqba further said, "I went to the other side and told the Prophet ﷺ about it. He said, 'How can you (keep her as your wife) when the lady has said that she suckled both of you (i.e., you and your wife)?" So, the Prophet ﷺ ordered him to divorce her.

(١٣) بابُ شَهادَةِ الإماءِ والعَبيدِ

وقالَ أنَسٌ: شَهادَةُ العَبْدِ جائِزَةٌ إذَا كانَ عَدْلاً. وأجازَهُ شُرَيْحٌ وزُرارَةُ بنُ أوفى. وقالَ ابنُ سِيرِينَ: شَهادَتُهُ جائِزَةٌ إلّا العَبْدَ لِسَيِّدِهِ، وأجازَهُ الحَسَنُ وإبْرَاهِيمُ في الشَّيْءِ التَّافِهِ. وقالَ شُرَيْحٌ: كُلُّكُمْ بَنُو عَبِيدٍ وإماءٍ.

٢٦٥٩ - حَدَّثَنا أبُو عاصِمٍ، عَنِ ابنِ جُرَيْجٍ، عَنِ ابنِ أبي مُلَيْكَةَ، عَنْ عُقْبَةَ بنِ الحَارِثِ. ح وحدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا يَحْيى بنُ سَعِيدٍ، عَنِ ابنِ جُرَيْجٍ قالَ: سَمِعْتُ ابنَ أبي مُلَيْكَةَ قالَ: حدَّثَني عُقْبَةُ بنُ الحَارِثِ أوْ سَمِعْتُهُ مِنْهُ: أنَّهُ تَزَوَّجَ أمَّ يَحْيى بِنْتَ أبي إهابٍ، قالَ: فَجاءَتْ أمَةٌ

سَوْداءُ فَقالَتْ: قَدْ أَرْضَعْتُكما، فَذَكَرْتُ ذلكَ للنَّبيِّ ﷺ فأعْرَضَ عَنِّي. قالَ: فَتَنَحَّيْتُ فذَكَرْتُ ذَلِكَ لَهُ، قالَ: «وكَيْفَ وقَدْ زَعَمَتْ أنها قَدْ أرْضَعَتْكما؟» فَنهاهُ عَنها. [راجع: ٨٨]

(14) CHAPTER. The witness of a wet nurse.

(١٤) بابُ شَهادَةِ المُرْضِعَةِ

2660. Narrated 'Uqba bin Al-Ḥārith رَضِيَ اللهُ عَنْهُ: I married a woman and later on a woman came and said, "I suckled you both." So, I went to the Prophet ﷺ (to ask him about it). He said, "How can you (keep her as a wife) when it has been said (that you were foster brother and sister)? Leave (divorce) her."

٢٦٦٠ - حَدَّثَنا أبو عاصِمٍ، عَنْ عُمَرَ بنِ سَعيدٍ، عَنِ ابنِ أبي مُلَيْكَةَ، عَنْ عُقْبَةَ بنِ الحارِثِ قالَ: تَزَوَّجْتُ امْرَأَةً فَجاءَتِ امْرَأَةٌ فَقالَتْ: إنِّي قَدْ أرْضَعْتُكما، فأتَيْتُ النَّبيَّ ﷺ فَقالَ: «وكَيْفَ وقَدْ قِيلَ؟ دَعْها عَنْكَ» أوْ نَحْوَهُ. [راجع: ٨٨]

(15) CHAPTER. The women's attesting the honourable record of each other.

(١٥) بابُ تَعْديلِ النِّساءِ بَعْضِهِنَّ بَعْضاً

2661. Narrated 'Āishah رَضِيَ اللهُ عَنْها, (the wife of the Prophet ﷺ): "Whenever Allāh's Messenger ﷺ intended to go on a journey, he would draw lots amongst his wives and would take with him the one upon whom the lot fell. During a *Ghazwa* of his, he drew lots amongst us and the lot fell upon me, and I proceeded with him after Allāh had decreed the use of the veil by women. I was carried in a *Hawdaj* (on the camel) and dismounted while still in it. When Allāh's Messenger ﷺ had finished his *Ghazwa* and returned home, and we approached the city of Al-Madīna, Allāh's Messenger ﷺ ordered us to proceed at night. When the order of setting off was given, I walked till I left the army (camp) behind to answer the call of nature. After finishing I returned (to the camp) to depart (with the others) and suddenly realized that my necklace over my chest was missing. So, I

٢٦٦١ - حَدَّثَنا أبو الرَّبيعِ سُلَيمانُ ابنُ داوُدَ وأفْهَمَني بَعْضَهُ أحْمَدُ قالَ: حدَّثَنا فُلَيْحُ ابنُ سُلَيمانَ، عَنِ ابنِ شِهابٍ الزُّهْرِيِّ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ، وسَعِيدِ ابنِ المُسَيَّبِ، وعَلْقَمَةَ بنِ وقَّاصٍ اللَّيْثِيِّ، وعُبَيْدِ اللهِ بنِ عَبْدِ اللهِ بنِ عُتْبَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها زَوْجِ النَّبيِّ ﷺ حِينَ قالَ لَها أهْلُ الإفْكِ ما قالُوا فَبرَّأَها اللهُ مِنْهُ، قالَ الزُّهْرِيُّ: وكُلُّهُمْ حدَّثَني طائِفَةً مِنْ حَدِيثِها، وبَعْضُهُمْ أوْعَى مِنْ بَعْضٍ، وأثْبَتُ لَهُ اقْتِصاصاً، وقَدْ وَعَيْتُ عَنْ كُلِّ واحِدٍ مِنْهُمُ الحَدِيثَ

الَّذِي حدَّثَنِي عَنْ عائِشَةَ وبَعْضُ حَدِيْثِهِمْ يُصَدِّق بَعْضاً. زَعَموا أنَّ عائِشَةَ قالَتْ: كانَ رَسُولُ اللهِ ﷺ إذَا أرَادَ أنْ يَخْرُجَ سَفَراً أقْرَعَ بَينَ أزْوَاجِهِ. فأيَّتُهُنَّ خَرَجَ سَهْمُها أخْرجَ بِها مَعَهُ. فأقْرَعَ بَيْنَنا في غَزَاةٍ غَزاها فَخَرَجَ سَهْمِي فَخَرَجْتُ مَعَهُ بَعْدَ ما أُنزِلَ الحِجابُ، فأنا أُحْمَلُ في هَوْدَجٍ وأُنْزَلُ فِيهِ فَسِرْنا حتَّى إذَا فَرَغَ رَسُولُ اللهِ ﷺ مِنْ غَزْوَتِهِ تِلكَ وقَفَلَ ودَنَونا مِنَ المَدِينَةِ، آذَنَ لَيْلَةً بالرَّحِيلِ. فَقُمْتُ حِينَ آذَنُوا بالرَّحِيلِ فَمَشَيْتُ حتَّى جاوَزْتُ الجَيْشَ فَلَمَّا قَضَيْتُ شَأني أقْبَلْتُ إلى الرَّحْلِ، فَلَمَسْتُ صَدْرِي، فإذَا عِقْدٌ لي مِنْ جَزْعِ أظْفارٍ قَدِ انْقَطَعَ، فَرَجَعْتُ فالتمسْتُ عِقْدِي فَحَبَسَنِي ابْتِغاؤُهُ. فأقْبَلَ الَّذِينَ يَرْحَلُونَ لي فاحْتَمَلُوا هَوْدَجِي فَرَحَلُوهُ عَلى بَعِيرِي الَّذِي كُنْتُ أرْكَبُ، وهُمْ يَحْسِبُونَ أنِّي فِيهِ، وكانَ النِّساءُ إذْ ذاكَ خِفافا لَمْ يَثْقُلْنَ، ولم يَغْشَهُنَّ اللَّحْمُ، وإنَّما يَأكُلْنَ، العُلْقَةَ مِنَ الطَّعامِ، فَلَمْ يَسْتَنْكِرِ القَوْمُ، حِينَ رَفَعُوهُ، ثِقَلَ الهَوْدَجِ فاحْتَمَلُوهُ. وكُنْتُ جارِيَةً حَدِيثَةَ السِّنِّ فَبَعَثُوا الجَمَلَ وسارُوا فَوَجَدْتُ عِقْدِي بَعْدَما اسْتَمَرَّ الجَيْشُ فَجِئْتُ مَنزِلَهُمْ ولَيْسَ فِيهِ أحَدٌ، فأمَمْتُ مَنزِلي الَّذِي كُنْتُ

returned to look for it and was delayed because of that. The people who used to carry me on the camel, came to my *Hawdaj* and put it on the back of the camel, thinking that I was in it, as, at that time, women were light in weight, and thin and lean, and did not use to eat much. So, those people did not feel the difference in the heaviness of the *Hawdaj* while lifting it, and they put it over the camel. At that time I was a young lady (less than 15 years old). They set the camel moving and proceeded on. I found my necklace after the army had gone, and came to their camp to find nobody. So, I went to the place where I used to stay, thinking that they would discover my absence and come back in my search. While in that state, I felt sleepy and slept. Safwān bin Mu'aṭṭal As-Sulamī Adh-Dhakwāni was behind the army and reached my abode in the morning. When he saw a sleeping person, he came to me, and he had seen me before veiling. So, I got up when I heard him saying, '*Inna lillāhi wa inna ilaihi rāji'ūn* (Truly to Allāh we belong and truly to Him we shall return)... (2:156).' He made his camel kneel down. He got down from his camel, and put his leg on the front legs of the camel and then I rode and sat over it. Safwān set out walking, leading the camel by the rope till we reached the army who had halted to take rest at midday. Then whoever was meant for destruction, fell into destruction, (some people accused me falsely) and the leader of the false accusers was 'Abdullāh bin Ubai bin Salūl. After that we returned to Al-Madīna, and I became ill for one month while the people were spreading the forged statements of the false accusers. I was feeling during my ailment as if I were not receiving the usual kindness from the Prophet ﷺ which I used to receive from him when I got sick.

But he would come, greet and say, 'How is that (girl)?' I did not know anything of what was going on till I recovered from my ailment and went out with Umm Mistaḥ to the Manāsī' where we used to answer the call of nature, and we used not to go to answer the call of nature except from night to night and that was before we had lavatories near to our houses. And this habit of ours was similar to the habit of the old Arabs in the open country (or away from houses). So, I and Umm Mistaḥ bin Ruhm went out walking. Umm Mistaḥ stumbled because of her long dress and on that she said, 'Let Mistaḥ be ruined.' I said, 'You are saying a bad word. Why are you abusing a man who took part in (the battle of) Badr?' She said, 'O *Hantā* (you there), didn't you know what they said?' Then she told me the rumours of the false accusers. My sickness was aggravated, and when I returned home, Allāh's Messenger ﷺ came to me, and after greeting he said, 'How is that (girl)?' I requested him to allow me to go to my parents. I wanted then to be sure of the news through them. Allāh's Messenger ﷺ allowed me, and I went to my parents and asked my mother, 'What are the people talking about?' She said, 'O my daughter! Don't worry much about this matter. By Allāh, never is there a charming woman loved by her husband who has other wives, but the women would forge false news about her.' I said, 'Glorified is Allāh! Are the people really talking of this matter?' That night I kept on weeping and could not sleep till morning. (The subnarrator added:) In the morning Allāh's Messenger ﷺ called 'Alī bin Abī Ṭālib and Usāma bin Zaid, when he saw the Divine Revelation delayed, to consult them about divorcing his wife (i.e., 'Āishah). Usāma bin Zaid said what he knew of the good reputation of his wives and

فِيهِ فَظَنَنْتُ أَنَّهُمْ سَيَفْقِدُونِي فَيَرْجِعُونَ إِلَيَّ. فَبَيْنَا أنا جالِسَةٌ غَلَبَتْنِي عَيْنايَ فَنِمْتُ، وكانَ صَفْوَانُ بنُ المُعَطَّلِ السُّلَمِيُّ، ثُمَّ الذَّكْوَانِيُّ مِنْ وَرَاءِ الجَيْشِ، فأَصْبَحَ عِنْدَ مَنْزِلِي، فَرَأى سَوَادَ إِنْسانٍ نائِمٍ فأتاني، وكانَ يَرَاني قَبْلَ الحِجابِ، فاسْتَيْقَظْتُ باسْتِرْجاعِهِ حِينَ أناخَ رَاحِلَتَهُ فَوَطِئَ يَدَها فَرَكِبْتُها فانْطَلَقَ يَقُودُ بِي الرَّاحِلَةَ حتَّى أَتَيْنَا الجَيْشَ بَعْدَ ما نَزَلُوا مُعَرِّسِينَ في نَحْرِ الظَّهِيرَةِ فَهلكَ مَنْ هَلكَ، وكانَ الَّذِي تَوَلَّى الإِفْكَ عَبْدُ اللهِ بنُ أُبَيِّ بنُ سَلُولَ، فَقَدِمْنا المَدِينَةَ فاشْتَكَيْتُ بِها شَهْراً والنَّاس يُفِيضُونَ مِنْ قَوْلِ أَصْحابِ الإفْكِ، ويَرِيبُنِي في وَجَعِي أَنِّي لا أرَى مِنَ النَّبِيِّ ﷺ اللُّطْفَ الَّذِي كُنْتُ أرَى مِنْهُ حِينَ أَمْرَضُ، إِنَّما يَدْخُلُ فَيُسَلِّمُ، ثُمَّ يَقُولُ: «كَيْفَ تِيكُمْ؟» لا أَشْعُرُ بِشَيْءٍ مِنْ ذٰلِكَ حتَّى نَقَهْتُ فَخَرَجْتُ أنا وأُمُّ مِسْطَحٍ قِبَلَ المَناصِعِ مُتَبَرَّزِنا، لا نَخْرُجُ إلَّا لَيْلاً إلى لَيْلٍ، وذٰلِكَ قَبْلَ أنْ نَتَّخِذَ الكُنُفَ قَرِيباً مِنْ بُيُوتِنا، وأَمْرُنا أَمْرُ العَرَبِ الأُوَلِ في البَرِّيَّةِ أوْ في التَّنَزُّهِ، فَأَقْبَلْتُ أنا وأُمُّ مِسْطَحٍ بِنْتُ أبي رُهْمٍ نَمْشِي فَعَثَرَتْ في مِرْطِها فَقالَتْ: تَعِسَ مِسْطَحٌ، فَقُلْتُ لَها: بِئْسَ ما قُلْتِ أَتَسُبِّينَ رَجُلاً شَهِدَ

added, 'O Allāh's Messenger! Keep your wife, for, by Allāh, we know nothing about her but good.' 'Alī bin Abī Ṭālib said, 'O Allāh's Messenger! Allāh has not imposed restrictions on you, and there are many women other than she, yet you may ask the woman-servant who will tell you the truth.' On that Allāh's Messenger ﷺ called Barīra and said, 'O Barīra! Did you ever see anything which roused your suspicions about her?' Barira said, 'No, by Allāh Who has sent you with the Truth, I have never seen in her anything faulty except that she is a girl of immature age, who sometimes sleeps and leaves the dough for the goats to eat.' On that day Allāh's Messenger ﷺ ascended the pulpit and requested that somebody support him in punishing 'Abdullāh bin Ubai bin Salūl. Allāh's Messenger ﷺ said, 'Who will support me to punish that person ('Abdullāh bin Ubai bin Salūl) who has hurt me by slandering the reputation of my family? By Allāh, I know nothing about my family but good, and they have accused a person about whom I know nothing except good, and he never entered my house except in my company.'

Sa'd bin Mu'ādh got up and said, 'O Allāh's Messenger! By Allāh, I will relieve you from him. If that man is from the tribe of the 'Aūs, then we will chop his head off, and if he is from our brothers, the Khazraj, then order us, and we will fulfill your order.' On that Sa'd bin 'Ubada, chief of the Khazraj and before this incident, he had been a pious man, got up, motivated by his zeal for his tribe and said, 'By Allāh, you have told a lie; you cannot kill him, and you will never be able to kill him.' On that Usaid bin Al-Ḥudair got up and said (to Sa'd bin 'Ubada), 'By Allāh! you are a liar. By Allāh, we will kill him; and you are a hypocrite, defending the

بَدْراً؟ فَقالَتْ: يا هَنْتاهُ، ألَمْ تَسْمَعِي ما قالُوا؟ فأخْبرَتْني بِقَوْلِ الإفْكِ فازْدَدْتُ مَرَضاً على مَرَضِي. فَلَمَّا رَجَعْتُ إلى بَيْتِي، دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ فَسَلَّمَ فَقالَ: «كَيْفَ تِيكُمْ؟» فَقُلْتُ: ائْذَنْ لي إلى أبَوَيَّ، قالَتْ: وأنا حِينَئِذٍ أُرِيدُ أنْ أسْتَيْقِنَ الخَبرَ مِنْ قِبَلِهِما. فأذِنَ لي رَسُولُ اللهِ ﷺ فأتَيْتُ أبَوَيَّ، فَقُلْتُ لأُمِّيَ: ما يَتَحَدَّثُ بِهِ النَّاسُ؟ فَقالَتْ: يا بُنَيَّةُ، هوِّني عَلى نَفْسِكِ الشَّأنَ، فَوَاللهِ لَقَلَّما كانَتِ امْرَأةٌ قَطُّ وَضِيئَةٌ عِنْدَ رَجُلٍ يُحِبُّها ولَها ضَرَائِرُ إلَّا أكْثَرْنَ عَلَيها. فَقُلْتُ: سُبْحانَ اللهِ ولَقَدْ يَتَحَدَّثُ النَّاسُ بِهٰذَا؟ قالَتْ: فَبِتُّ تِلْكَ اللَّيْلَةَ حَتَّى أصْبَحْتُ لا يَرْقأُ لي دَمْعٌ ولا أكْتَحِلُ بِنَوْمٍ. ثُمَّ أصْبَحْتُ فَدَعا رَسُولُ اللهِ ﷺ عَلِيَّ بنَ أبي طالِبٍ وأُسامَةَ بنَ زَيْدٍ حِينَ اسْتَلْبَثَ الوَحْيُ يَسْتَشِيرُهُمَا في فِرَاقِ أهْلِهِ. فأمَّا أُسامَةُ فأشارَ عَلَيْهِ بالَّذِي يَعْلَمُ في نَفْسِهِ مِنَ الوُدِّ لَهُمْ. فَقالَ أُسامَةُ: أهْلُكَ يا رَسُولَ اللهِ، ولا نَعْلَمُ واللهِ إلَّا خَيراً. وأمَّا عَلِيُّ بنُ أبي طالِبٍ فَقالَ: يا رَسُولَ اللهِ، لَمْ يُضَيِّقِ اللهُ عَلَيْكَ والنِّساءُ سِواها كَثِيرٌ، وسَلِ الجارِيَةَ تَصْدُقْكَ. فَدَعا رَسُولُ اللهِ ﷺ بَرِيرَةَ فَقالَ: «يا بَرِيرَةُ، هَلْ رَأيْتِ

hypocrites.' On this, the two tribes of 'Aūs and Khazraj got excited and were about to fight each other, while Allāh's Messenger ﷺ was standing on the pulpit. He got down and quietened them till they became silent and he kept quiet. ('Āishah رضي الله عنهما continued:) On that day I kept on weeping so much so that neither did my tears stop, nor could I sleep.

In the morning my parents were with me and I had wept for two nights and a day, till I thought my liver would burst from weeping. While they were sitting with me and I was weeping, an *Anṣārī* woman asked my permission to enter, and I allowed her to come in. She sat down and started weeping with me. While we were in this state, Allāh's Messenger ﷺ came and sat down and he had never sat with me since the day they forged the accusation. No revelation regarding my case came to him for a month. He recited *Shahādah* (i.e., *Lā ilāha illallāh wa anna Muḥammad-ar-Rasul Allāh*—none has the right to be worshipped but Allāh, and Muḥammad is Allāh's Messenger) and then said, 'O 'Āishah! I have been informed such and such about you; if you are innocent, then Allāh will soon reveal your innocence, and if you have committed a sin, then repent to Allāh and ask Him to forgive you, for when a person confesses his sin and asks Allāh for forgiveness, Allāh accepts his repentance.' When Allāh's Messenger ﷺ finished his speech, my tears ceased completely and there remained not even a single drop of it. I requested my father to reply to Allāh's Messenger ﷺ on my behalf. My father said, 'By Allāh, I do not know what to say to Allāh's Messenger ﷺ.' I said to my mother, 'Talk to Allāh's Messenger ﷺ on my behalf.' She said, 'By Allāh, I do not know what to say to Allāh's Messenger ﷺ.' I was a young

فِيها شَيْئاً يَرِيبُكِ؟» فَقالَتْ بَرِيرَةُ: لا، والَّذِي بَعَثَكَ بالحَقِّ، إنْ رَأَيْتُ مِنْها أمْراً أغْمِصُهُ عَلَيها قَطُّ أكْثَرَ مِنْ أنَّها جارِيَةٌ حَدِيثَةُ السِّنِّ تَنامُ عَنِ العَجِينِ فَتَأتِي الدَّاجِنُ فَتَأكُلُهُ. فَقامَ رَسُولُ اللهِ ﷺ مِنْ يَوْمِهِ فاسْتَعْذَرَ مِنْ عَبْدِ اللهِ بنِ أُبَيٍّ ابنِ سَلُولَ، فَقالَ رَسُولُ اللهِ ﷺ: «مَنْ يَعْذُرُني مِنْ رَجُلٍ بَلَغَنِي أذاهُ في أهْلي؟ فَوَاللهِ ما عَلِمْتُ عَلى أهْلي إلَّا خَيراً. وقَدْ ذَكَرُوا رَجُلاً ما عَلِمْتُ عَلَيْهِ إلَّا خَيراً، وما كانَ يَدْخُلُ عَلى أهْلي إلَّا مَعِي». فَقامَ سَعْدُ بنُ مُعاذٍ فَقالَ: يا رَسُولَ اللهِ! واللهِ أنا أعْذُرُكَ مِنْهُ، إنْ كانَ مِنَ الأوْسِ ضَرَبْنا عُنُقَهُ، وإنْ كانَ مِنْ إخْوَانِنا مِنَ الخَزْرَجِ أمَرْتَنا فَفَعَلْنا فِيهِ أمْرَكَ. فَقامَ سَعْدُ بنُ عُبادَةَ وهُوَ سَيِّدُ الخَزْرَجِ، وكانَ قَبْلَ ذٰلكَ رَجُلاً صالحاً، كانَ احْتَمَلَتْهُ الحَمِيَّةُ، فَقالَ: كَذَبْتَ لَعَمْرُ اللهِ، واللهِ لا تَقْتُلُهُ ولا تَقْدِرُ عَلى ذٰلكَ. فَقامَ أُسَيْدُ بنُ الحُضَيرِ فَقالَ: كَذَبْتَ لَعَمْرُ اللهِ، واللهِ لَنَقْتُلَنَّهُ، فإنَّكَ مُنافِقٌ تُجادِلُ عَنِ المُنافِقِينَ. فَثارَ الحَيَّانِ الأوْسُ والخَزْرَجُ حَتَّى هَمُّوا ورَسُولُ اللهِ ﷺ عَلى المِنْبَرِ فَنَزَلَ فَخَفَّضَهُمْ حَتَّى سَكَتُوا وسَكَتَ. وبَكَيْتُ يَوْمِي لا يَرْقأُ لي دَمْعٌ ولا أكْتَحِلُ بِنَوْمٍ فأصْبَحَ

عِنْدِي أَبَوَايَ وَقَدْ بَكَيْتُ لَيلَتِي ويَوْماً حتَّى أظُنُّ أنَّ البُكاءَ فالِقٌ كَبِدِي. قالَتْ: فَبَيْنا هُما جالِسانِ عِنْدِي وأنا أبْكي إذ اسْتَأذَنَتِ امْرَأةٌ مِنَ الأنْصارِ فأذِنْتُ لَها فَجَلَسَتْ تَبْكي مَعِي. فَبَيْنا نَحْنُ كَذٰلكَ إذْ دَخَلَ رَسُولُ اللهِ ﷺ فَجَلَسَ ولَمْ يَجْلِسْ عِنْدِي مِنْ يَوْم قِيلَ فِيَّ ما قيل قَبْلَها، وقَدْ مَكَثَ شَهْراً لا يُوحَى إلَيْهِ في شَأني شَيْءٌ. قالَتْ: فَتَشَهَّدَ ثُمَّ قالَ: «يا عائِشَةُ فإنَّه بَلَغَني عَنْكِ كَذَا وكَذَا، فإنْ كُنْتِ بَرِيئَةً فَسَيُبَرِّئُكِ اللهُ، وإنْ كُنْتِ ألمَمْتِ بِذنب فاسْتَغْفِري اللهَ وتُوبي إلَيْهِ، فإنَّ العَبْدَ إذَا اعْترفَ بِذَنْبِهِ ثُمَّ تابَ تابَ اللهُ عَلَيْهِ». فَلَمَّا قَضَى رَسُولُ اللهِ ﷺ مَقالَتَهُ قَلَص دَمْعِي حَتَّى ما أُحِسُّ مِنْهُ قَطْرَةً. وقُلْتُ لأبي: أجِبْ عَنِّي رَسُولَ اللهِ ﷺ. قالَ: واللهِ ما أدْرِي ما أقُولُ لِرَسُولِ اللهِ ﷺ، فَقُلْتُ لأُمِّي: أجِيبي عَنِّي رَسُولَ اللهِ ﷺ فِيما قالَ. قالَتْ: واللهِ ما أدْرِي ما أقُولُ لِرَسُولِ اللهِ ﷺ. قالَتْ: وأنا جارِيَةٌ حَدِيثَةُ السِّنِّ لا أقْرَأُ كَثِيراً مِنَ القُرْآنِ، فَقُلْتُ: إنِّي واللهِ لَقَدْ عَلِمْتُ أنَّكُمْ سَمِعْتُمْ ما يَتَحَدَّثُ بِهِ النَّاسُ وَوَقَرَ في أنْفُسِكُمْ وصَدَّقْتُمْ بِهِ، لَئِن قُلْتُ لَكُمْ: إنِّي بَرِيئَةٌ، واللهُ يَعْلَمُ أنِّي لَبَرِيئَةٌ، لا تُصَدِّقُونَني بِذٰلِكَ، ولَئِن

girl and did not have much knowledge of the Qur'ān. I said, 'I know, by Allāh, that you have listened to what people are saying and that has been planted in your minds and you have taken it as a truth. Now, if I told you that I am innocent, and Allāh knows that I am innocent, you would not believe me, and if I confessed to you falsely that I am guilty, and Allāh knows that I am innocent, you would believe me. By Allāh, I cannot find for you and I, an example, except that of Yūsuf's (Joseph's) father [i.e., Yaqûb (Jacob) عليه السلام] who said, "... So, (for me) patience is most fitting. And it is Allāh (Alone) Whose help can be sought against that (lie) which you describe.' (V.12:18). Then I turned to the other side of my bed hoping that Allāh would prove my innocence. By Allāh, I never thought that Allāh would reveal Divine Revelation in my case, as I considered myself too inferior to be talked of in the Qur'ān. I had hoped that Allāh's Messenger ﷺ might have a dream in which Allāh would prove my innocence. By Allāh, Allāh's Messenger ﷺ had not got up and nobody had left the house before the Divine Revelation came to Allāh's Messenger ﷺ. So, there overtook him (i.e., the Prophet ﷺ) the same state which used to overtake him, (when he used to have, on being inspired Divinely). He was sweating so much so that the drops of the sweat were dropping like pearls though it was a (cold) wintry day. When that state of Allāh's Messenger ﷺ was over, he was smiling and the first word he said, ' 'Āishah! Thank Allāh, for Allāh has declared your innocence.' My mother told me to go to Allāh's Messenger ﷺ. I replied, 'By Allāh I will not go to him and will not thank but Allāh.'

So Allāh revealed:

'Verily! Those who brought forth the

slander (against 'Āishah رَضِيَ الله عَنها -- the wife of the Prophet ﷺ) are a group among you...' (V.24:11)

"When Allāh gave the declaration of my innocence, Abū Bakr, who used to provide for Mistaḥ bin Athatha, for he was his relative, said, 'By Allāh, I will never provide Mistaḥ with anything because of what he said about 'Āishah.' But Allāh later revealed:

'And let not those among you who are blessed with graces and wealth swear not to give (any sort of help).. up to.. Oft-forgiving, Most-Merciful.' (V.24:22)

"After that Abu Bakr said, 'Yes! By Allāh! I like that Allāh should forgive me,' and resumed helping Mistaḥ whom he used to help before."

'Āishah added: "Allāh's Messenger ﷺ also asked Zainab bint Jaḥsh (i.e., the Prophet's wife) about me saying, 'What do you know and what did you see?' She replied, 'O Allāh's Messenger! I refrain to claim hearing or seeing what I have not heard or seen. By Allāh, I know nothing except goodness about 'Āishah'." 'Āishah further added, "Zainab was competing with me (in her beauty and the Prophet's love), yet Allāh protected her (from being malicious), for she had piety."

اعْتَرَفْتُ لَكُمْ بِأَمْرٍ واللهُ يَعْلَمُ أَنِّي بَرِيئَةٌ لَتُصَدِّقُنِّي. واللهِ ما أجِدُ لي ولَكُمْ مَثَلاً إلَّا أبا يُوسُفَ إذْ قالَ: ﴿فَصَبْرٌ جَمِيلٌ وَٱللَّهُ ٱلْمُسْتَعَانُ عَلَىٰ مَا تَصِفُونَ﴾ [يوسف: ١٨] ثُمَّ تَحَوَّلْتُ عَلى فِرَاشِي وأنا أرْجُو أنْ يُبرِّئَنِي اللهُ. ولكِنْ واللهِ ما ظَنَنْتُ أنْ يُنزِلَ في شَأني وَحْياً ولأنَا أحْقَرُ في نَفْسِي مِنْ أنْ يُتَكَلَّمَ بالقُرْآنِ في أمْري، ولكِنِّي كُنْتُ أرْجُو أنْ يَرَى رَسُولُ اللهِ ﷺ في النَّوْمِ رُؤْيا تُبرِّئُنِي، فَوَاللهِ ما رَامَ مَجْلِسَهُ ولا خَرَجَ أحَدٌ مِنْ أهْلِ البَيْتِ حتَّى أُنْزِلَ عَلَيْهِ الوحي فأخَذَهُ ما كَانَ يَأخُذُهُ مِنَ البُرَحاءِ حتَّى إنَّهُ لَيَتَحَدَّرُ مِنْهُ مِثْلُ الجُمانِ مِنَ العَرَقِ في يَوْمٍ شاتٍ، فَلَمَّا سُرِّيَ عَنْ رَسُولِ اللهِ ﷺ وهُوَ يَضْحَكُ فَكانَ أوَّلَ كَلِمَةٍ تَكَلَّمَ بِها أنْ قالَ لِي: «يا عائِشَةُ، احْمَدِي اللهَ فَقَدْ بَرَّأَكِ اللهُ». قالَتْ لي أُمِّي: قُومي إلى رَسُولِ اللهِ ﷺ، فَقُلْتُ: لا واللهِ، لا أقُومُ إلَيْهِ ولا أحْمَدُ إلَّا اللهَ، فأنْزَلَ اللهُ تعالى: ﴿إِنَّ ٱلَّذِينَ جَآءُو بِٱلْإِفْكِ عُصْبَةٌ مِّنكُمْ﴾ الآياتِ. فَلَمَّا أنْزَلَ اللهُ هذا في بَرَاءَتي قالَ أبُو بَكْرٍ الصِّدِّيقُ رَضِيَ اللهُ عَنْهُ وكَانَ يُنْفِقُ عَلى مِسْطَحِ بنِ أُثاثَةَ لِقَرَابَتِهِ مِنْهُ: واللهِ لا أُنْفِقُ عَلى مِسْطَحٍ بشيءٍ أبَداً بَعْدَ مَا قالَ لِعائِشَةَ. فأنْزَلَ اللهُ تَعالى ﴿وَلَا يَأْتَلِ

أُوْلُوا الْفَضْلِ مِنكُمْ وَالسَّعَةِ أَن يُؤْتُوا﴾ إلى قَوْلِهِ: ﴿غَفُورٌ رَّحِيمٌ﴾ فقالَ أبو بَكْرٍ الصِّدِّيق: بَلى واللهِ، إنِّي لأُحِبُّ أنْ يَغْفِرَ اللهُ لي. فَرَجَعَ إلى مِسْطَحٍ الَّذي كانَ يُجْري عَلَيْهِ. وكانَ رَسُولُ اللهِ ﷺ سَأَلَ زَيْنَبَ بِنْتَ جَحْشٍ عَنْ أمْري، فَقالَ: «يا زَيْنَبُ، ما عَلِمْتِ، ما رَأيْتِ؟» فَقالَتْ: يا رَسُولَ اللهِ، أحْمي سَمْعي وبَصَري، واللهِ ما عَلِمْتُ عَلَيها إلَّا خيراً. قالَتْ: وهِيَ الَّتي كانَتْ تُسامِيني فَعَصَمَها اللهُ بالوَرَعِ.

قالَ: وحدَّثَنا فُلَيْحٌ، عَنْ هِشام بنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ وعَبْدِ اللهِ ابنِ الزُّبَيرِ مِثْلَهُ. قالَ: وحدَّثَنا فُلَيْحٌ عَنْ رَبيعَةَ بنِ أبي عَبْدِ الرَّحْمٰنِ ويَحْيى بنِ سَعِيدٍ، عَنِ القاسِمِ بنِ مُحَمَّدِ بنِ أبي بَكْرٍ مِثْلَهُ.

[راجع: ٢٥٩٣]

(16) CHAPTER. If only one man attests the (good) conduct of another, then it is sufficient.

Abū Jamīla said, "I found a foundling, and when 'Umar saw me he said (what may mean), 'Perhaps what you intend to do will cause you trouble,' as if he was accusing me (of denying my paternity of the child and claiming falsely that he was a foundling). My monitor said, 'He is really a pious man.' 'Umar said to me, 'If it is so, then go (and be the child's guardian) and we will provide for it (from the Muslim's treasury)."

(١٦) بابٌ إذا زَكَّى رَجُلٌ رَجُلاً كَفاهُ

وقالَ أبو جَميلَةَ: وجَدْتُ مَنْبُوذاً فَلَمَّا رَآني عُمَرُ قالَ: عَسَى الغُوَيرُ أبْؤُساً، كأنَّهُ يَتَّهِمُني. قالَ عَريفي: إنَّهُ رَجُلٌ صالحٌ، قالَ: كَذاكَ، اذْهَبْ وعَلَيْنا نَفَقَتُهُ.

2662. Narrated Abū Bakra رَضِيَ اللهُ عَنْهُ: A man praised another man in front of the Prophet ﷺ. The Prophet ﷺ said to him, "Woe to you, you have cut off your companion's neck, you have cut off your companion's neck," repeating it several times and then added, "Whoever amongst you has to praise his brother should say, 'I think that he is so-and-so, and Allāh knows exactly the truth, and I do not confirm anybody's good conduct before Allāh, but I think him so-and-so,' if he really knows what he says about him."

٢٦٦٢ - حَدَّثَني محمد بنُ سَلامٍ: حدَّثَنا عَبْدُ الوَهَّابِ: حدَّثَنا خالِدٌ الحذَّاءُ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ أبي بَكْرَةَ، عَنْ أبيهِ قالَ: أثْنى رَجُلٌ عَلى رَجُلٍ عِنْدَ النَّبِيِّ ﷺ فَقالَ: «وَيْلَكَ، قَطَعْتَ عُنُقَ صاحِبِكَ»، قَطَعْتَ عُنُقَ صاحِبِكَ، مِراراً. ثُمَّ قالَ: «مَنْ كانَ مِنْكُمْ مادِحاً أخاهُ لا مَحالَةَ فَلْيَقُلْ: أحْسِبُ فُلاناً واللهُ حَسيبُهُ، ولا أُزَكِّي عَلى اللهِ أحَداً، أحْسِبُهُ كَذَا وكَذَا؛ إنْ كانَ يَعْلَمُ ذلكَ مِنْهُ». [انظر: ٦٠٦١، ٦١٦٢]

(17) CHAPTER. What is hated of exaggeration in praising, and one should say only what he knows.

(١٧) **بابٌ** ما يُكْرَهُ مِنَ الإطْنابِ في المَدْحِ، ولْيَقُلْ ما يَعْلَمُ

2663. Narrated Abū Mūsa Al-Ash'arī رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ heard someone praising another and exaggerating in his praise. The Prophet ﷺ said, "You have ruined or cut the man's back (by praising him much)."

٢٦٦٣ - حَدَّثَنا مُحَمَّدُ بنُ الصَّبَّاحِ: حدَّثَنا إسماعيلُ بنُ زَكَرِيَّا: حدثني بُرَيْدُ ابنُ عَبْدِ اللهِ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ قالَ: سَمعَ النَّبِيُّ ﷺ رَجُلاً يُثْني عَلى رَجُلٍ ويُطْرِيهِ في مَدْحِهِ فَقالَ: «أهْلَكْتُمْ، أو قَطَعْتُمْ ظَهْرَ الرَّجُلِ». [انظر: ٦٠٦٠]

(18) CHAPTER. The boys attaining the age of puberty and the validity of their witness.

(١٨) **بابُ** بُلُوغِ الصِّبْيانِ وشَهادَتِهِمْ

And the Statement of Allāh تعالى:

"And when the children among you come to puberty, then let them (also) ask for permission." (V.24:59)

Al-Mughīra said, "I attained puberty at the age of twelve." The attaining of puberty by women is with the start of menses, as is

وقَوْلِ اللهِ تَعالى: ﴿وَإِذَا بَلَغَ ٱلْأَطْفَٰلُ مِنكُمُ ٱلْحُلُمَ فَلْيَسْتَـْٔذِنُوا۟﴾ [النور: ٥٩] وقالَ مُغِيرَةُ: احْتَلَمْتُ وأنا ابنُ ثِنْتَيْ عَشْرَةَ سَنَةً. وبُلُوغُ النِّساءِ إلَى الحَيْضِ لِقَوْلِهِ عَزَّ وجَلَّ: ﴿وَٱلَّٰٓـِٔى يَئِسْنَ

referred to by the Statement of Allāh عزّ وجل:

"And those of your women as have passed the age of monthly courses, (up to) until they deliver (their burdens)..." (V.65 :4)

Al-Ḥasan bin Ṣāliḥ said, "I saw a neighbouress of mine who became a grandmother at the age of twenty-one."[1]

مِنَ ٱلْمَحِيضِ مِن نِّسَآئِكُمْ﴾ إِلَى قَوْلِهِ: ﴿أَن يَضَعْنَ حَمْلَهُنَّ﴾ [الطلاق: ٤]

وقالَ الحَسَنُ بنُ صَالِحٍ: أدْرَكْتُ جارَةً لَنا جَدَّةً بِنْتَ إحدَى وعشْرِينَ.

2664. Narrated Ibn 'Umar رَضِيَ الله عَنْهُما: Allāh's Messenger ﷺ called me to present myself in front of him on the eve of the battle of Uhud, while I was fourteen years of age at that time, and he did not allow me to take part in that battle, but he called me in front of him on the eve of the battle of the Trench when I was fifteen years old, and he allowed me (to join the battle)." Nafi' said, "I went to 'Umar bin 'Abdul Azīz who was caliph at that time and related the above narration to him. He said, "This age (fifteen) is the limit between childhood and manhood," and wrote to his governors to give salaries to those who reached the age of fifteen[2].

٢٦٦٤ - حَدَّثَنَا عُبَيْدُ اللهِ بنُ سَعِيدٍ: حدَّثَنا أبُو أُسامَةَ قالَ: حدَّثَنِي عُبَيْدُ اللهِ قالَ: حدَّثَنِي نافِعٌ قالَ: حدَّثَنِي ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ عَرَضَهُ يَوْمَ أُحُدٍ وهُوَ ابنُ أرْبَعَ عَشْرَةَ سَنَةً فَلَمْ يُجِزْني، ثُمَّ عَرَضَني يَوْمَ الخَنْدَقِ وأنا ابنُ خَمْسَ عَشْرَةَ فأجازَني. قالَ نافِعٌ: فَقَدِمْتُ عَلى عُمَرَ بنِ عَبْدِ العَزِيْزِ وهُوَ خَلِيفَةٌ فَحَدَّثْتُهُ هَذا الحَدِيثَ فَقالَ: إنَّ هذا لَحَدٌّ بَيْنَ الصَّغِيرِ والكَبِيرِ، وكَتَبَ إلى عُمَّالِهِ أنْ يَفْرِضُوا لِمَنْ بَلَغَ خَمْسَ عَشْرَةَ. [انظر: ٤٠٩٧]

2665. Narrated Abū Sa'īd Al-Khudrī رَضِيَ الله عَنْهُ. The Prophet ﷺ said, "Taking a bath on Friday is compulsory for those who have attained the age of puberty."

٢٦٦٥ - حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ: حدَّثَنا صَفْوانُ بنُ سُلَيمٍ، عَنْ عَطاءِ ابنِ يَسارٍ عَنْ أبي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ، يَبْلُغُ بِهِ النَّبِيَّ ﷺ قالَ: «غُسْلُ يَوْمِ الجُمُعَةِ واجِبٌ عَلى كُلِّ مُحْتَلِمٍ». [راجع: ٨٥٨]

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(1) (Ch. 18) This woman attained puberty at the age of nine and married to give birth to a daughter at ten; the daughter had the same experience.

(2) (H. 2664) When a Muslim reached the age of fifteen, he was regarded as a soldier ready to carry arms when required; on this basis he was given a salary.

(19) CHAPTER. The question of the judge to the plaintiff, "Have you a proof?" before asking the defendant to take an oath.

2666, 2667. Narrated 'Abdullāh رضي الله عنه: Allāh's Messenger ﷺ said, "If somebody takes a false oath in order to grab the property of a Muslim (unjustly) by that oath, then Allāh will be angry with him when he will meet Him." Al-Ash'ath informed me, "By Allāh! This was said regarding me. There was a dispute about a piece of land between me and a man from the Jews who denied my right. I took him to the Prophet ﷺ. Allāh's Messenger ﷺ asked me, 'Do you have an evidence?' I replied in the negative. He said to the Jew, 'Take an oath.' I said, 'O Allāh's Messenger! He will surely take an oath and take my property unjustly'." So, Allāh revealed:

"Verily! those who purchase a small gain at the cost of Allāh's Covenant and their oaths..." (V.3:77)

(١٩) **بابُ سُؤَالِ الحَاكِمِ المُدَّعِي: هَلْ لكَ بَيِّنَةٌ؟ قَبْلَ اليَمِينِ**

٢٦٦٦، ٢٦٦٧ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا أَبُو مُعَاوِيَةَ، عَنِ الأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ عَلَى يَمِينٍ وهُوَ فِيهَا فَاجِرٌ لِيَقْتَطِعَ بِهَا مَالَ امْرِئٍ مُسْلِمٍ لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبَانُ». قَالَ: فَقَالَ الأَشْعَثُ بْنُ قَيْسٍ: فِيَّ واللهِ كَانَ ذَلِكَ. كَانَ بَيْنِي وبَيْنَ رَجُلٍ مِنَ اليَهُودِ أَرْضٌ فَجَحَدَنِي فَقَدَّمْتُهُ إِلَى النَّبِيِّ ﷺ فَقَالَ لِي رَسُولُ اللهِ ﷺ: «أَلَكَ بَيِّنَةٌ؟» قَالَ: قُلْتُ: لَا، قَالَ: فَقَالَ لِلْيَهُودِيِّ: «احْلِفْ»، قَالَ: قُلْتُ: يَا رَسُولَ اللهِ، إِذاً يَحْلِفَ وَيَذْهَبَ بِمَالِي. قَالَ: فَأَنْزَلَ اللهُ تَعَالَى: ﴿إِنَّ ٱلَّذِينَ يَشْتَرُونَ بِعَهْدِ ٱللَّهِ وَأَيْمَٰنِهِمْ ثَمَنًا قَلِيلًا﴾ إِلَى آخِرِ الآيَةِ [آل عمران: ٧٧].

[راجع: ٢٣٥٦، ٢٣٥٧]

(20) CHAPTER. The defendant must take an oath in matters concerning property or legal punishments.

The Prophet ﷺ said, (that the plaintiff must have) "Two witnesses, otherwise (the defendant) should take the oath."

Ibn Shubruma said, "When Abū Az-Zinād asked me my opinion about the verdict that one witness and the oath of the plaintiff are sufficient, I said, "Allāh تعالى stated:

'... And get two witnesses out of your own

(٢٠) **بابُ اليَمِينِ عَلى المُدَّعَى عَلَيْهِ في الأَمْوَالِ والحُدُودِ**

وقَالَ النَّبِيُّ ﷺ: «شَاهِدَاكَ أَوْ يَمِينُهُ». وقَالَ قُتَيْبَةُ، حَدَّثَنَا سُفْيَانُ، عَنِ ابْنِ شُبْرُمَةَ: كَلَّمَنِي أَبُو الزِّنَادِ في شَهَادَةِ الشَّاهِدِ، ويَمِينِ المُدَّعِي فَقُلْتُ: قَالَ اللهُ تَعَالَى: ﴿وَٱسْتَشْهِدُوا۟ شَهِيدَيْنِ مِن رِّجَالِكُمْ فَإِن لَّمْ يَكُونَا

رَجُلَيۡنِ فَرَجُلٌ وَٱمۡرَأَتَانِ مِمَّن تَرۡضَوۡنَ مِنَ ٱلشُّهَدَآءِ أَن تَضِلَّ إِحۡدَىٰهُمَا فَتُذَكِّرَ إِحۡدَىٰهُمَا ٱلۡأُخۡرَىٰۚ﴾ [البقرة: ٢٨٢] قُلْتُ: إِذَا كانَ يُكْتَفَى بِشَهادَةِ شاهِدٍ ويَمِينِ المُدَّعِي فما يَحْتاجُ أَنْ تُذَكِّرَ إِحْدَاهُمَا الأُخْرَى، ما كانَ يَصْنَعُ بِذِكْرِ هذِهِ الأُخْرَى؟

men. And if there are not two men (available), then a man and two women, such as you agree for witnesses, so that if one of them (two women) errs, the other can remind her...'" (V.2:282)

I added, "If one witness and the oath of the plaintiff were sufficient, there would be no need for one of the two women to remind the other."

٢٦٦٨ - حَدَّثَنَا أَبُو نُعَيمٍ: حدَّثَنا نافِعُ بنُ عُمَرَ، عَنِ ابنِ أَبي مُلَيْكَةَ قالَ: كَتَبَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما إِلَيَّ: أَنَّ النَّبِيَّ ﷺ قَضَى بالْيَمِينِ عَلى المُدَّعَى عَلَيْهِ. [راجع: ٢٥١٤]

2668. Narrated Ibn Abū Mulaika: Ibn 'Abbās wrote that the Prophet ﷺ gave his verdict on the basis of the defendant's oath.

٢٦٦٩، ٢٦٧٠ - حَدَّثَنَا عُثمانُ بنُ أَبي شَيْبَةَ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ أَبي وائِلٍ قالَ: قالَ عَبْدُ اللهِ: مَنْ حَلَفَ عَلى يَمِينٍ يَسْتَحِقُّ بِها مالاً لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبانُ». ثُمَّ أَنْزَلَ اللهُ عَزَّ وجَلَّ تَصْدِيقَ ذٰلِكَ: ﴿إِنَّ ٱلَّذِينَ يَشۡتَرُونَ بِعَهۡدِ ٱللَّهِ وَأَيۡمَٰنِهِمۡ﴾ إِلى ﴿عَذَابٌ أَلِيمٌ﴾ [آل عمران: ٧٧] ثُمَّ إِنَّ الأَشْعَثَ بنَ قَيْسٍ خَرَجَ إِلَيْنا، فَقالَ: ما يُحَدِّثُكُمْ أَبُو عَبْدِ الرَّحْمٰنِ؟ فَحَدَّثْناهُ بِما قالَ، فَقالَ: صَدَقَ، لَفِيَّ أُنْزِلَتْ: كانَ بَيْنِي وبَينَ رَجُلٍ خُصُومَةٌ في شَيْءٍ فاخْتَصَمْنا إِلى رَسُولِ اللهِ ﷺ فَقالَ: «شاهِدَاكَ أَوْ يَمِينُهُ»، فَقُلْتُ لهُ: إِنَّهُ إِذاً يَحْلِفُ ولا يُبالي.

2669, 2670. Narrated Abū Wā'il: 'Abdullāh (bin Mas'ūd رَضِيَ اللهُ عَنْهُ) said, "Whoever takes a (false) oath in order to grab some property (unjustly), Allāh will be angry with him when he will meet Him. Allāh confirmed that through His Divine Revelation:

'Verily, those who purchase a small gain at the cost of Allāh's Covenant and their oaths.. (up to).. a painful torment.'" (V.3:77)

Al-Ash'ath bin Qais came to us and asked, "What is Abū 'Abdur-Raḥmān (i.e., 'Abdullāh) telling you?" We told him what he was narrating to us. He said, "He was telling the truth; this Divine Verse was revealed in connection with me. There was a dispute between me and another man about something and the case was presented before Allāh's Messenger ﷺ who said, 'Produce your two witnesses or else the defendant is to take an oath.' I said, The defendant will surely take a (false) oath without heed.' The

فَقالَ النَّبِيُّ ﷺ: «مَنْ حَلَفَ عَلى يَمِينٍ يَسْتَحِقُّ بِها مالاً وهُوَ فِيها فاجِرٌ لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبانُ». فأَنْزَلَ اللهُ تَصْدِيقَ ذٰلكَ ثُمَّ اقْتَرَأَ هذهِ الآيَةَ.

[راجع: ٢٣٥٦، ٢٣٥٧]

Prophet ﷺ said, 'Whoever takes a false oath in order to grab (other's) property, then Allāh will be angry with him when he will meet Him. Then Allāh revealed its confirmation. Al-Ash'ath then recited the above Divine Verse." (V.3:77)

(٢١) بابٌ إذَا ادَّعَى أَوْ قَذَفَ فَلَهُ أَنْ يَلْتَمِسَ البَيِّنَةَ ويَنْطَلِقَ لِطَلَبِ البَيِّنَةِ

(21) CHAPTER. If someone claims something or accuses somebody of illegal sexual intercourse, he should search for the proof and he is to be given a respite to get an evidence.

٢٦٧١ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا ابنُ أبي عَدِيّ، عَنْ هِشامٍ، عن عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أنَّ هِلالَ بنَ أُمَيَّةَ قَذَفَ امْرَأَتَهُ عِنْدَ النَّبِيِّ ﷺ بِشَرِيكِ بنِ سَحْماءَ، فَقالَ النَّبِيُّ ﷺ: «البَيِّنَةَ أَوْ حَدًّا في ظَهْرِكَ». فَقالَ: يا رَسُولَ اللهِ، إذَا رَأى أحَدُنا عَلى امْرأَتِهِ رَجُلاً يَنْطَلِقُ يَلْتَمِسُ البَيِّنَةَ؟ فَجَعَلَ يَقُولُ: «البَيِّنَةَ وإلَّا حَدٌّ في ظَهْرِكَ»، فَذَكَرَ حَدِيثَ اللِّعانِ. [انظر: ٤٧٤٧، ٥٣٠٧]

2671. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُما: Hilāl bin Umaiyya accused his wife before the Prophet ﷺ of committing illegal sexual intercourse with Sharīk bin Saḥma'. The Prophet ﷺ said, "Produce a proof, or else you would get the legal punishmnt (by being lashed) on your back." Hilāl said, "O Allāh's Messenger! If anyone of us saw another man over his wife, would he go to search for a proof?" The Prophet ﷺ went on saying, "Produce a proof or else you would get the legal punishment (by being lashed) on your back." The Prophet ﷺ then mentioned the narration of *Li'ān*[1] (as in the Holy Book). (*Surat An-Nūr*: No.24)

(٢٢) بابٌ اليَمِينِ بَعْدَ العَصْرِ

(22) CHAPTER. The taking of an oath after the '*Aṣr* prayer.

٢٦٧٢ - حَدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا جَرِيرُ بنُ عَبْدِ الحَمِيدِ، عَنِ الأَعْمَشِ، عَنْ أبي صَالِحٍ، عَنْ

2672. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "There are three types of people whom Allāh will neither speak to them nor look at them nor purify

(1) (H. 2671) Literally, *Li'ān* means cursing, legally it means an oath by which a husband claims that his wife has committed illegal sexual intercourse. The wife in her turn denies the accusation and takes a similar oath. In both oaths Allāh is invoked to curse the liar. The case ends with divorce but no punishment is imposed on any of the two because there are no witnesses to confirm the accusation.

أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «ثَلاثَةٌ لا يُكَلِّمُهُمُ اللهُ ولا يَنْظُرُ إِلَيهِمْ وَلا يُزَكِّيهِمْ ولَهُمْ عَذَابٌ أَلِيمٌ: رَجُلٌ عَلى فَضْلِ ماءٍ بِطَرِيقٍ يَمْنَعُ مِنْهُ ابنَ السَّبِيلِ. ورَجُلٌ بايَعَ رَجُلاً لا يُبايِعُهُ إلَّا للدُّنْيا؛ فإنْ أعْطاهُ ما يُرِيدُ وَفَى لَهُ وإلَّا لَمْ يَفِ لَهُ. ورَجُلٌ ساوَمَ رَجُلاً بِسِلْعَةٍ بَعْدَ العَصْرِ فَحَلَفَ باللهِ لَقَدْ أعْطَى بِهَا كَذَا وكَذَا، فأخَذَها». [راجع: ٢٣٥٨]

them (from the sins), and they shall have a painful torment. (They are):

(1) A man possessed superfluous water on a way and he withheld it from the travellers,

(2) A man who gives a *Bai'a* (pledge) to a Muslim ruler and gives it only for worldly gains. If the ruler gives him what he wants, he remains obedient to it, otherwise he does not abide by it, and

(3) A man bargains with another man after the *'Asr* prayer and the latter takes a false oath in the Name of Allāh claiming that he has been offered so much for the thing and the former (believes him and) buys it."

(٢٣) بابٌ يَحْلِفُ المُدَّعَى عَلَيْهِ حَيْثُما وجَبَتْ عليهِ اليَمِينُ، ولا يُصْرَفُ مِنْ مَوْضِعٍ إلى غيرِهِ.

(23) CHAPTER. The defendant has to take an oath wherever it becomes legally compulsory, and it is not imperative to take him from his place to another place (i.e., a sacred place like a mosque) for this purpose.

قَضَى مَرْوَانُ باليَمِينِ عَلى زَيْدِ بنِ ثابِتٍ عَلى المِنْبرِ فَقالَ: أحْلِفُ لَهُ مَكاني، فَجَعَلَ زَيْدٌ يَحْلِفُ وأبى أنْ يَحْلِفَ عَلى المِنْبرِ، فَجَعَلَ مَرْوَانُ يَعْجَبُ مِنْهُ. وقالَ النَّبِيُّ ﷺ: «شاهِدَاكَ أوْ يَمِينُهُ» ولم يَخُصَّ مَكاناً دُونَ مَكانٍ.

Marwān ordered Zaid bin Thābit to take an oath on the pulpit, but the latter said, "I will take an oath at my place," and started taking the oath and refused to take it on pulpit. Marwān was surprised at his refusal. The Prophet ﷺ said to the plaintiff, "Produce your two witnesses, or else the defendant has to take an oath." But he did not specify (where the oath was to be taken).

٢٦٧٣ - حَدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثَنا عَبْدُ الوَاحِدِ، عَنِ الأعْمَشِ، عَنْ أبي وَائِلٍ، عَنِ ابنِ مَسْعُودٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «مَنْ حَلَفَ عَلى يَمِينٍ لِيَقْتَطِعَ بِها مالاً لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبانُ». [راجع: ٢٣٥٦]

2673. Narrated Ibn Mas'ūd رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever takes a (false) oath in order to grab (others) property, then Allāh will be angry with him when he will meet Him."

(٢٤) **باب** إذا تسارع قوم في اليمين

(24) CHAPTER. If (some people have to take an oath) and each of them wants to take it first.

٢٦٧٤ - حدثني إسحاق بن نصر: حدثنا عبد الرزاق: أخبرنا معمر، عن همام، عن أبي هريرة رضي الله عنه: أن النبي ﷺ عرض على قوم اليمين فأسرعوا فأمر أن يسهم بينهم في اليمين أيهم يحلف.

2674. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ asked some people to take an oath, and they hurried for it. The Prophet ﷺ ordered that lots should be drawn amongst them as to who would take the oath first.

(٢٥) **باب**: قول الله تعالى:

﴿إن الذين يشترون بعهد الله وأيمانهم ثمنا قليلا أولئك لا خلاق لهم في الآخرة ولا يكلمهم الله ولا ينظر إليهم يوم القيامة ولا يزكيهم ولهم عذاب أليم ۝٧٧﴾ [آل عمران: ٧٧].

(25) CHAPTER. The Statement of Allāh تعالى:
"Verily, those who purchase a small gain at the cost of Allāh's Covenant and their oaths, they shall have no portion in the Hereafter (Paradise). Neither will Allāh speak to them, nor look at them on the Day of Resurrection nor will He purify them, and they shall have a painful torment." (V.3:77)

٢٦٧٥ - حدثني إسحاق: أخبرنا يزيد بن هارون: أخبرنا العوام: حدثني إبراهيم أبو إسماعيل السكسكي: سمع عبد الله بن أبي أوفى رضي الله عنهما يقول: أقام رجل سلعته فحلف بالله لقد أعطى بها ما لم يعطها. فنزلت ﴿إن الذين يشترون بعهد الله وأيمانهم ثمنا قليلا﴾ وقال ابن أبي أوفى: الناجش آكل ربا خائن. [راجع: ٢٠٨٨]

2675. Narrated 'Abdullāh bin Abū Aufā رضي الله عنهما: A man displayed some goods in the market and took a false oath that he had been offered so much for them, though he was not offered that amount. Then the following Divine Verse was revealed:

"Verily, those who purchase a small gain at the cost of Allāh's Covenant and their oaths." (V.3:77)

Ibn Abū Aūfa added, "Such person as described above is a treacherous *Ribā*-eater (i.e., eater of usury)."

٢٦٧٦، ٢٦٧٧ - حدثنا بشر بن خالد: أخبرنا محمد بن جعفر، عن شعبة، عن سليمان، عن أبي وائل عن عبد الله رضي الله عنه عن النبي

2676, 2677. Narrated Abū Wā'il from 'Abdullāh رضي الله عنه: The Prophet ﷺ said, "Whoever takes a false oath in order to grab another man's (or his brother's) property, then Allāh will be angry with him when he will meet Him." Then Allāh confirmed this

by revealing the Divine Verse:

'Verily, those who purchase a small gain at the cost of Allāh's Covenant and their oaths.. (up to).. a painful torment'" (V.3:77)

Al-Ash'ath met me and asked, "What did 'Abdullāh tell you today?" I said, "Such and such." He said, "The Verse was revealed regarding my case."

ﷺ قالَ: «مَنْ حَلَفَ عَلى يَمِينٍ كاذِباً لِيَقْتَطِعَ مالَ الرَّجُلِ، أوْ قالَ: أخِيهِ، لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبانُ، وأنْزَلَ اللهُ تَصْدِيقَ ذٰلِكَ في القُرْآنِ ﴿إِنَّ ٱلَّذِينَ يَشْتَرُونَ بِعَهْدِ ٱللَّهِ وَأَيْمَٰنِهِمْ ثَمَنًا قَلِيلًا﴾ إلَى قَوْلِهِ ﴿عَذَابٌ أَلِيمٌ﴾ الآية [آل عمران: ٧٧] فَلَقِيَنِي الأشْعَثُ فَقالَ: ما حَدَّثَكُمْ عَبْدُ اللهِ اليَوْمَ؟ قُلْتُ: كَذَا وكَذَا، قالَ: فِيَّ أُنزِلَتْ. [راجع: ٢٣٥٦، ٢٣٥٧]

(26) CHAPTER. How (and with what) to swear?

(٢٦) بابٌ: كَيْفَ يُسْتَحْلَفُ؟

Allāh تعالى said:

"They swear by Allāh..." (V.9:56, 62, 74, 95).

And Allāh عزّ وجل said:

"...They come to you swearing by Allāh: 'We meant no more than goodwill and conciliation'." (V.4:62)

The expressions used in Arabic for 'By Allāh' are: *Bil-lāhi, Tal-lāhi, Wal-lāhi*.

The Prophet ﷺ said, "And a man who takes a false oath in the Name of Allāh after the *'Asr* prayer. The Prophet ﷺ said, "One should not swear except by Allāh."

قالَ تَعالى: ﴿يَحْلِفُونَ بِٱللَّهِ﴾ [التوبة: ٦٢] وقولِ اللهِ عَزَّ وجَلَّ: ﴿ثُمَّ جَآءُوكَ يَحْلِفُونَ بِٱللَّهِ إِنْ أَرَدْنَآ إِلَّآ إِحْسَٰنًا وَتَوْفِيقًا﴾ [النساء: ٦٢] يُقالُ: باللهِ، وتاللهِ، وَوَاللهِ. وقالَ النَّبِيُّ ﷺ: «ورَجُلٌ حَلَفَ باللهِ كاذِباً بَعْدَ العَصْرِ». ولا يُحْلَفُ بغيرِ اللهِ.

2678. Narrated Ṭalḥa bin 'Ubaidullāh رضي الله عنه: A man came to Allāh's Messenger ﷺ asking him about Islām, Allāh's Messenger ﷺ said,

(1) "You have to offer five compulsory congregational *Ṣalāt* (prayers) in a day and a night (24 hours)." The man asked, "Are there any more compulsory *Ṣalāt* (prayers) for me?" Allāh's Messenger ﷺ said, "No, unless you like to offer *Nawāfil* (i.e., optional *Ṣalāt*)." Allāh's Messenger ﷺ then added,

(2) "You have to observe *Ṣaum* (fasts)

٢٦٧٨ - حَدَّثَنا إسْمَاعِيلُ بنُ عَبْدِ اللهِ قالَ: حدَّثَنِي مالكٌ، عَنْ عَمِّهِ أبي سُهَيْلِ ابنِ مالكٍ، عَنْ أبِيهِ: أنَّهُ سَمِعَ طَلْحَةَ بنَ عُبَيدِ اللهِ رَضِيَ اللهُ عنه يَقُولُ: جاءَ رَجُلٌ إلى رَسُولِ اللهِ ﷺ فإذَا هُوَ يَسْأَلُهُ عَنِ الإسْلامِ؟ فَقالَ رَسُولُ اللهِ ﷺ: «خَمْسُ صَلَوَاتٍ في اليَوْمِ واللَّيْلَةِ». فَقالَ: هَلْ عَلَيَّ غَيْرُهُ؟

during the month of Ramadan." The man said, "Am I to fast any other days?" Allāh's Messenger ﷺ said, "No, unless you wish to observe the optional fast voluntarily." Then Allāh's Messenger ﷺ told him about the compulsory *Zakāt*. The man asked, "Do I have to give anything besides?" Allāh's Messenger ﷺ said, "No, unless you wish to give in charity voluntarily." So, the man departed saying, "By Allāh I will neither do more nor less than that." Allāh's Messenger ﷺ said, "If he has said the truth he will be successful." (See H. 46)

قالَ: «لا إلَّا أنْ تَطَّوَّعَ». فَقالَ رَسُولُ اللهِ ﷺ: «وصِيامُ شهرِ رَمَضانَ»، فَقالَ: هَلْ عَلَيَّ غَيْرُها؟ قالَ: «لا إلَّا أنْ تَطَّوَّعَ». قالَ: وذَكَرَ لَهُ رَسُولُ اللهِ ﷺ الزَّكاةَ، قالَ: هَلْ عَلَيَّ غَيْرُهُ؟ قالَ: «لا إلَّا أنْ تَطَّوَّعَ». قالَ: فَأدْبَرَ الرَّجُلُ وهُوَ يَقُولُ: واللهِ لا أزِيدُ عَلى هذا ولا أنْقُصُ. قالَ رَسُولُ اللهِ ﷺ: «أفْلَحَ إنْ صَدَقَ». [راجع: ٤٦]

2679. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever has to take an oath should swear by Allāh or keep quiet." (i.e., He should not swear by other than Allāh.)

٢٦٧٩ - حَدَّثَنا مُوسَى بنُ إسْماعِيلَ: حدَّثَنا جُوَيْرِيَةُ قالَ: ذَكَرَ نافِعٌ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبِيَّ ﷺ قالَ: «مَنْ كانَ حالِفاً فَلْيَحْلِفْ باللهِ أوْ لِيَصْمُتْ». [انظر: ٣٨٣٦، ٦١٠٨، ٦٦٤٦، ٦٦٤٨]

(27) CHAPTER. Whoever produces the proof after (the defendant) has taken the oath.

(٢٧) بابٌ مَنْ أقامَ البَيِّنَةَ بَعْدَ اليَمِينِ

The Prophet ﷺ said, "Perhaps some of you are more eloquent and persuasive in presenting their arguments than their opponents." Ṭāwūs, Ibrahim and Shuraih said, "A clear, just evidence (produced by the plaintiff) is more valid than a false oath (taken by the defendant)."

وقالَ النَّبِيُّ ﷺ: «لَعَلَّ بَعْضَكُمْ ألْحَنُ بِحُجَّتِهِ مِنْ بَعْضٍ». وقالَ طاوُسٌ وإبْراهِيمُ وشُرَيْحٌ: البَيِّنَةُ العادِلَةُ أحَقُّ مِنَ اليَمِينِ الفاجِرَةِ.

2680. Narrated Umm Salama رَضِيَ اللهُ عَنْها: Once Allāh's Messenger ﷺ said, "You people present your cases to me and some of you may be more eloquent and persuasive in presenting their arguments. So, if I give some one's right to another (wrongly) because of the latter's (tricky) presentation of the case, I am really giving him a piece of fire; so he should not take it."

٢٦٨٠ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أبِيهِ، عَنْ زَيْنَبَ عَنْ أُمِّ سَلَمَةَ رَضِيَ اللهُ عَنْها: أنَّ رَسُولَ اللهِ ﷺ قالَ: «إنَّكُمْ تَخْتَصِمُونَ إلَيَّ ولَعَلَّ بَعْضَكُمْ ألْحَنُ بِحُجَّتِهِ مِنْ بَعْضٍ، فَمَنْ

قَضَيْتُ لَهُ بِحَقِّ أَخِيهِ شَيْئاً بِقَوْلِهِ فإنَّما أَقْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ فَلا يأْخُذْها».

[راجع: ٢٤٥٨]

(28) CHAPTER. Whoever sees that promises should be fulfilled.

Al-Ḥasan supported this judgement. (Allāh says:)

"And mention in the Book (the Qur'ān) Isma'īl (Ishmael): Verily! He was true to what he promised." (V.19:54)

Ibn Al-Ashwa' judged that promises should be fulfilled, and he mentioned that Samura adopted the same opinion.

Narrated Al-Miswar bin Makhrama رَضِيَ اللهُ عَنْهُما: I heard the Prophet ﷺ saying: (about one of his sons-in-law), "He promised me and fulfilled his promise." Narrated Abū 'Abdullāh (Al-Bukhārī): I saw Isḥāq bin Ibrāhīm depending on Ibn Ashwa's narration in giving verdicts.

(٢٨) بابُ مَنْ أَمَرَ بإنجازِ الوَعْدِ،

وفَعَلَهُ الحَسَنُ ﴿وَاذْكُرْ فِي الْكِتَابِ إِسْمَاعِيلَ إِنَّهُ كَانَ صَادِقَ الْوَعْدِ﴾ [مريم: ٥٤] وقَضَى ابنُ الأشْوَعِ بالوَعْدِ وذَكَرَ ذَلِكَ عَنْ سَمُرَةَ بن جُنْدَبٍ، وقالَ المِسْوَرُ بن مَخْرَمَةَ: سَمِعْتُ النَّبِيَّ ﷺ وذَكَرَ صِهْراً لَهُ فقالَ: وعَدَني فَوَفَاني. قالَ أبو عَبْدِ اللهِ: رَأيْتُ إسْحَاقَ بنَ إبْرَاهِيمَ يحْتَجُّ بِحَدِيثِ ابنِ أشْوَعَ.

2681. Narrated 'Abdullāh bin 'Abbās رَضِيَ اللهُ عَنْهُما: Abū Sufyān told me that Heraclius said to him, "When I enquired you what he (i.e., Muḥammad ﷺ) ordered you, you replied that he ordered you to establish the *Ṣalāt* (prayer), to speak the truth, to be chaste, to keep promises and to pay back trusts." Then Heraclius added, "These are really the qualities of a Prophet." (See H. 7)

٢٦٨١ - **حدَّثني** إبْرَاهِيمُ بنُ حَمْزَةَ: حدَّثَنا إبْرَاهِيمُ بنُ سَعْدٍ، عَنْ صَالِحٍ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ: أنَّ عَبْدَ اللهِ بنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما أخْبرَهُ قالَ: أخْبرَني أبو سُفْيانَ أنَّ هِرَقْلَ قالَ لَهُ: سَألْتُكَ ماذَا يأْمُرُكُمْ؟ فَزَعَمْتَ أنَّهُ يأمر بالصَّلاةِ والصِّدْقِ والعَفافِ والوَفاءِ بالعَهْدِ وأداءِ الأمَانَةِ، قالَ: وهذِهِ صِفَةُ نَبِيٍّ. [راجع: ٧]

2682. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The signs of a hypocrite are three:

(1) Whenever he speaks, he tells a lie,

(2) Whenever he is entrusted, he proves

٢٦٨٢ - **حدَّثنا** قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا إسْمَاعِيلُ بنُ جَعْفَرٍ، عَنْ أبي سُهَيْلٍ نافعِ بنِ مالكِ بنِ أبي عامِرٍ،

عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قالَ: «آيَةُ الْمُنافِقِ ثَلاثٌ: إِذَا حَدَّثَ كَذَبَ، وإِذَا اؤْتُمِنَ خانَ، وإِذَا وعَدَ أَخْلَفَ». [راجع: ٣٣]

to be dishonest,

(3) Whenever he promises, he breaks his promise." (See H. 33)

٢٦٨٣ - حَدَّثَنَا إِبْرَاهِيمُ بنُ مُوسَى: أَخْبرَنا هِشامٌ، عَنِ ابنِ جُرَيْجٍ قالَ: أَخْبرني عَمْرُو ابنُ دِينارٍ، عَنْ مُحَمَّدِ بنِ عَليّ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمْ قالَ: لَمَّا ماتَ النَّبِيُّ ﷺ جاءَ أبا بَكْرٍ مالٌ مِنْ قِبَلِ العَلاءِ بنِ الحَضْرَمِيّ فَقالَ أَبُو بَكْرٍ: مَنْ كانَ لَهُ عَلى النَّبِيّ ﷺ دَيْنٌ أَوْ كانَتْ لَهُ قِبَلَهُ عِدَةٌ فَلْيَأْتِنا، قالَ جابِرٌ: فَقُلْتُ: وعَدَني رَسُولُ اللهِ ﷺ أَنْ يُعْطِيَنِي هٰكَذَا وهٰكَذَا وهٰكَذَا، فَبَسَطَ يَدَيْهِ ثَلاثَ مَرَّاتٍ. قالَ جابِرٌ: فَعَدَّ فِي يَدِي خَمْسَمِائَةٍ، ثُمَّ خَمْسَمِائَةٍ، ثُمَّ خَمْسَمِائَةٍ. [راجع: ٢٢٩٦]

2683. Narrated Muḥammad bin 'Alī: Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُما said, "When the Prophet ﷺ died, Abū Bakr received some property from Al-'Alā bin Al-Haḍramī. Abū Bakr said to the people, 'Whoever has a money claim on the Prophet ﷺ, or was promised something by him, should come to us (so that we may pay him his right).'" Jābir added, "I said (to Abū Bakr), 'Allāh's Messenger ﷺ promised me that he would give me this much, and this much, and this much (spreading his hands three times)'." Jābir added, "Abū Bakr counted for me and handed me five hundred (gold pieces), and then five hundred, and then five hundred."

٢٦٨٤ - حدَّثني مُحَمَّدُ بنُ عَبْدِ الرَّحِيمِ: أَخْبرَنا سَعِيدُ بنُ سُلَيمانَ: حدَّثَنا مَرْوَانُ بنُ شُجاعٍ، عَنْ سالِمٍ الأَفْطَسِ، عَنْ سَعِيدِ بنِ جُبَيرٍ قالَ: سَأَلَني يَهُودِيٌّ مِنْ أَهْلِ الحِيرَةِ: أَيَّ الأَجَلَينِ قَضى مُوسَى؟ قُلْتُ: لا أَدْرِي حَتَّى أَقْدَمَ عَلى حبرِ العَرَبِ فأَسْأَلَهُ. فَقَدِمْتُ فَسَأَلْتُ ابنَ عَبَّاسٍ

2684. Narrated Sa'īd bin Jubair: A Jew from Ḥīra asked me which one of the two periods Mūsa (i.e., Prophet Moses عليه السلام) completed. I said, "I don't know, (but wait) till I see the most learned Arab and enquire him about it." So, I went to Ibn 'Abbās and asked him. He replied, "Mūsa completed the longer and better period." Ibn 'Abbās added, "No doubt, a Messenger of Allāh always does what he says."

فَقالَ: قضَى أكثرَهُمَا وأطْيَبَهُما، إنَّ رَسُولَ اللهِ ﷺ إذَا قالَ فَعَلَ.

(٢٩) بابٌ: لا يُسْأَلُ أَهْلُ الشِّرْكِ عَنِ الشَّهادَةِ وغَيرِها

وقالَ الشَّعْبِيُّ: لا تَجُوزُ شَهادَةُ أَهْلِ المِلَلِ بَعْضِهِمْ عَلى بَعْضٍ، لِقَوْلِهِ عَزَّ وجَلَّ: ﴿فَأَغْرَيْنَا بَيْنَهُمُ ٱلْعَدَاوَةَ وَٱلْبَغْضَآءَ﴾ [المائدة: ١٤]. وقالَ أبُو هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ: «لا تُصَدِّقُوا أَهْلَ الكِتابِ ولا تُكَذِّبُوهُمْ. وقُولُوا: ﴿ءَامَنَّا بِٱللَّهِ وَمَآ أُنزِلَ﴾ [البقرة: ١٣٦]».

(29) CHAPTER. *'Al-Mushrikūn* (idolaters, polytheists, and pagans) should not be asked to give witness or the like (i.e., their witnesses are not acceptable).

Ash-Sha'bī said, "The witnesses of the people of the different religions against one another is not valid,[1] as Allāh عزّ وجَل says:

'So, We planted amongst them enmity and hatred...'" (V.5:14)

Abū Hurairah رَضِيَ اللهُ عَنْهُ said, "The Prophet ﷺ said, 'Neither believe the people of the Scriptures, nor disbelieve them, but say: We believe in Allāh and whatever was revealed by Him.'"

٢٦٨٥ - حَدَّثَنَا يَحْيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ يُونُسَ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ بنِ عُتْبَةَ، عَنْ عَبْدِ اللهِ بنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: يا مَعْشَرَ المُسْلِمِينَ، كَيفَ تَسْأَلُونَ أَهْلَ الكِتابِ؟ وكِتابُكُمُ الَّذِي أَنْزَلَ عَلى نَبِيِّهِ ﷺ أَحْدَثُ الأَخْبارِ باللهِ تَقْرَؤُنَهُ لَمْ يُشَبْ. وقَدْ حَدَّثَكُمُ اللهُ أَنَّ أَهْلَ الكِتابِ بَدَّلُوا ما كَتَبَ اللهُ وغَيَّرُوا بأَيْدِيهِمُ الكِتابَ فَقالُوا: ﴿هَٰذَا مِنْ عِندِ ٱللَّهِ لِيَشْتَرُوا۟ بِهِۦ ثَمَنًا قَلِيلًا﴾ [البقرة: ٧٩]. أفَلا يَنْهاكُمْ ما جاءَكُمْ مِنَ العِلْمِ عَنْ مُساءَلَتِهِمْ؟ ولا واللهِ ما رَأَيْنا رَجُلاً

2685. Narrated 'Ubaidullah bin 'Abdullāh bin 'Utba: Ibn 'Abbās رَضِيَ اللهُ عَنْهُما said, "O assembly of Muslims! How do you ask the people of the Scriptures, though your Book (i.e., the Qur'ān) which was revealed to His Prophet ﷺ is the most recent information from Allāh and you recite it, (the Qur'ān) that has not been distorted? Allāh has informed you that the people of the Scriptures distorted and changed what was revealed to them, with their own hands and they said (as regards their changed Scriptures): 'This is from Allāh,' in order to get some worldly benefit thereby." Ibn Abbās added, "Isn't the knowledge revealed to you sufficient to prevent you from asking them? By Allāh, I have never seen any one of them asking you (Muslims) about what has been revealed to you."

(1) (Ch. 29) Al-Ḥasan and some other scholars say that the witness of somebody against someone belonging to another religion, is not valid, but it is valid if the two persons belong to the same religion. Ash-Sha'bī permits the witness of Muslims in cases involving non-Muslims.

مِنْهُمْ قَطُّ يَسْأَلُكُمْ عَنِ الَّذِي أُنْزِلَ عَلَيْكُمْ. [انظر: ٧٣٦٣، ٧٥٢٢، ٧٥٢٣]

(30) CHAPTER. Drawing lots to solve problems.

(٣٠) بابُ القُرْعَةِ في المُشْكِلاتِ،

And the Statement of Allāh جل جلاله:

"...When they cast lots with their pens as to which of them should be charged with the care of Maryam (Mary)..." (V.3:44)

Ibn 'Abbās (explaining the Verse) said, "They drew lots (by throwing their pens in the river); the pens went along the stream except Zakarīyā's pen which stood stationary against the flow of the stream, and so Zakarīyā was charged with the care of Maryam."

Allāh also said, "*Fasāhama*! He (Prophet Jonah عليه السلام) (agreed to) cast lots, and he was among the losers," means, "the lot fell on him". (V.37:141)

Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ, "The Prophet ﷺ ordered some people to take an oath, and all of them hurried to take it, but he ordered that lots be cast as to which of them should take the oath (first)."

وقَوْلِهِ عَزَّ وجَلَّ: ﴿إِذْ يُلْقُونَ أَقْلَٰمَهُمْ أَيُّهُمْ يَكْفُلُ مَرْيَمَ﴾ [آل عمران: ٤٤] وقالَ ابنُ عَبَّاسٍ: اقْتَرَعُوا فَجَرَتِ الأَقْلامُ مَعَ الجِرْيَةِ وعالَ قَلَمُ زَكَرِيَّا الجِرْيَةَ فَكَفَلَها زَكَرِيَّا. وقَوْلِهِ: ﴿فَسَاهَمَ﴾: أَقْرَعَ ﴿فَكَانَ مِنَ ٱلْمُدْحَضِينَ﴾ [الصافات: ١٤١]: مِنَ المَسْهُومِينَ. وقالَ أَبُو هُرَيْرَةَ: عَرَضَ النَّبِيُّ ﷺ عَلى قَوْمٍ اليَمِينَ فأَسْرَعُوا. فأَمَرَ أَنْ يُسْهِمَ بينهم أَيُّهُمْ يَحْلِفُ.

2686. Narrated An-Nu'mān bin Bashīr رَضِيَ اللهُ عَنْهُما: The Prophet ﷺ said, "The example of the person abiding by Allāh's Orders and Limits (or the one who abides by the limits and regulations prescribed by Allāh) in comparison to the one who do wrong and violate Allāh's Limits and orders is like the example of people drawing lots for seats in a boat. Some of them got seats in the upper part while the others in the lower part; those in the lower part have to pass by those in the upper one to get water, and that troubled the latter. One of them (i.e., the people in the lower part) took an axe and started making a hole in the bottom of the

٢٦٨٦ - حَدَّثَنا عُمَرُ بنُ حَفْصِ بنِ غِياثٍ: حدَّثنا أبي: حدَّثنا الأَعمَشُ قالَ: حدَّثَني الشَّعْبِيُّ أَنَّهُ سَمِعَ النُّعْمانَ بنَ بَشِيرٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: قالَ النَّبِيُّ ﷺ: «مَثَلُ المُدْهِنِ في حُدُودِ اللهِ والوَاقِعِ فِيها مَثَلُ قَوْمٍ اسْتَهَمُوا سَفِينَةً فَصارَ بَعْضُهُمْ في أَسْفَلِها وصارَ بَعْضُهُمْ في أَعْلاها، فَكانَ الَّذِينَ في أَسْفَلِها يَمُرُّونَ بالماءِ عَلى الَّذِينَ في أَعْلاها

فَتَأَذَّوْا بِهِ فَأَخَذَ فأساً فَجَعَلَ يَنْقُرُ أَسْفَلَ السَّفِينَةِ فأتَوْهُ فَقالُوا: ما لَكَ؟ قالَ: تَأَذَّيْتُمْ بي ولا بُدَّ لي مِنَ الماءِ، فإنْ أخَذُوا عَلى يَدَيهِ أنْجوهُ ونَجَّوْا أنْفُسَهُمْ، وإنْ تركُوهُ أهْلَكُوهُ وأهْلَكُوا أنْفُسَهُمْ».

boat. The people of the upper part came and asked him, (saying), 'What is wrong with you?' He replied, 'You have been troubled much by me (coming up to you), and I have to get water.' Now, if they prevent him from doing that they will save him and themselves, but if they leave him (to do what he wants), they will destroy him and themselves."[1]

(See H. 2493)

٢٦٨٧ - حَدَّثَنَا أبُو اليمانِ: أخْبَرَنا شُعَيْبٌ: عَنِ الزُّهْرِيِّ قالَ: حَدَّثَني خارِجَةُ بنُ زَيْدٍ الأنْصارِيُّ: أنَّ أُمَّ العَلاءِ، امْرَأةً مِنْ نِسائِهِمْ قَدْ بايَعَتِ النَّبِيَّ ﷺ أخْبَرَتْهُ أنَّ عُثمانَ بنَ مَظْعُونٍ طارَ لَهُ سَهْمُهُ في السُّكْنى حِينَ اقْتَرَعَتِ الأنْصارُ سُكْنى المُهاجِرِينَ، قالَت أُمُّ العَلاءِ: فَسَكَنَ عِنْدَنا عُثمانُ بنُ مَظْعُونٍ فاشْتَكى فَمَرَّضْناهُ، حَتَّى إذا تُوُفِّيَ وجَعَلْناهُ في ثيابه دَخَلَ عَلَيْنا رَسُولُ اللهِ ﷺ فَقُلْتُ: رَحْمَةُ اللهِ عَلَيْكَ أبا السَّائِبِ، فَشَهادَتي عَلَيْكَ لَقَدْ أكْرَمَكَ اللهُ. فَقالَ لي النَّبِيُّ ﷺ: «وما يُدْرِيكِ أنَّ اللهَ أكْرَمَهُ؟» فَقُلْتُ: لا أدْري بأبي أنْتَ وأُمِّي يا رَسُولَ اللهِ. فَقالَ رَسُولُ اللهِ ﷺ: «أمَّا عُثمانُ فَقَدْ جاءَهُ واللهِ اليَقِينُ، وإنِّي لأرْجُو لَهُ الخَيرَ، واللهِ ما أدْري وأنا رَسُولُ اللهِ ما يُفْعَلُ بِهِ». قالَتْ: فَوَاللهِ لا أُزَكِّي أحَداً

2687. Narrated Umm Al-'Alā that when the *Anṣār* drew lots as to which of the emigrants should dwell with which of the *Anṣār*, the name of 'U<u>th</u>mān bin Maz'un came out (to be in their lot). Umm Al-'Alā further said, " 'U<u>th</u>mān stayed with us, and we nursed him when he got sick, but he died. We shrouded him in his clothes, and Allāh's Messenger ﷺ came to our house and I said, (addressing the dead 'U<u>th</u>mān), 'O Abū As-Sā'ib! May Allāh be Merciful to you. I testify that Allāh has blessed you.' The Prophet ﷺ said to me, 'How do you know that Allāh has blessed him?' I replied, 'I do not know O Allāh's Messenger! May my parents be sacrificed for you.' Allāh's Messenger ﷺ said, 'As regards 'U<u>th</u>mān, by Allāh he has died and I really wish him every good, yet, by Allāh, although I am Allāh's Messenger, I do not know what will be done to him.' " Umm Al-'Alā added, "By Allāh, I shall never attest the piety of anybody after him. And what Allāh's Messenger ﷺ said made me sad." Umm Al-'Alā further said, "Once I slept and saw in a dream, a flowing stream for 'U<u>th</u>mān. So, I went to Allāh's Messenger ﷺ and told him about it, he said, 'That is (the symbol of) his (good) deeds.' "

(1) (H. 2686) This means that one should not only avoid violating Allāh's limits but should prevent others from doing so; otherwise the whole society gets corrupted and the good and the evil people are destroyed without discrimination.

بَعْدهُ أبداً، فَأَحْزَنني ذٰلكَ، قالَتْ: فَنِمْتُ فأُرِيتُ لِعُثمانَ عَيْناً تَجْري فَجِئْتُ إلى رَسُولِ اللهِ ﷺ فأخْبرْتُهُ فَقالَ: «ذٰلكَ عَمَلُهُ». [راجع: ١٢٤٣]

٢٦٨٨ - حَدَّثنا مُحَمَّدُ بنُ مُقاتِلٍ: أخبرَنا عَبْدُ اللهِ: أخبرَنا يُونُسُ، عَنِ الزُّهْريِّ قالَ: أخْبرَني عُرْوَةُ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ رَسُولُ اللهِ ﷺ إذَا أرادَ سَفَراً أقْرَعَ بَينَ نِسائِهِ فأيَّتُهُنَّ خَرَجَ سَهْمُها خَرَجَ بها مَعَهُ، وكانَ يَقْسِمُ لِكُلِّ امْرَأةٍ مِنْهُنَّ يَوْمَها ولَيْلَتَها. غيرَ أنَّ سَوْدَةَ بِنْتَ زَمْعَةَ وَهَبَتْ يَوْمَها ولَيْلَتَها لِعائِشَةَ زَوْجِ النَّبيِّ ﷺ تَبْتَغي بِـذٰلكَ رِضـا رَسُـولِ اللهِ ﷺ. [راجع: ٢٥٩٣]

2688. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Whenever Allāh's Messenger ﷺ intended to go on a journey, he used to draw lots among his wives and would take with him the one on whom the lot fell. He also used to fix for everyone of his wives a day and a night, but Sauda bint Zam'a gave her day and night to 'Āishah, the wife of the Prophet ﷺ intending thereby to please Allāh's Messenger ﷺ.

٢٦٨٩ - حَدَّثَنا إسْماعِيلُ قالَ: حدَّثَني مالكٌ، عَنْ سُمَيٍّ مَوْلى أبي بَكْرٍ، عَنْ أبي صَالحٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ ﷺ قالَ: «لَوْ يَعْلَمُ النَّاسُ ما في النِّداءِ والصَّفِّ الأوَّلِ ثُمَّ لَمْ يَجِدُوا إلَّا أنْ يَسْتَهِمُوا عَلَيْهِ لاسْتَهَمُوا، ولَوْ يَعْلَمُونَ ما في التَّهْجِيرِ لاسْتَبَقُوا إلَيْهِ، ولَوْ يَعْلَمُونَ ما في العَتَمَةِ والصُّبْحِ لأتَوْهُما ولَوْ حَبْواً». [راجع: ٦١٥]

2689. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "If the people knew what is (the reward of) pronouncing the *Adhān* [call for the *Salāt* (prayers)] and (of being in) the first row (in the Congregational prayer), and if they found no other way to get this privilege except by casting lots, they would certainly cast lots for it. If they knew (the reward of) the noon prayer, they would race for it, and if they knew (the reward of) the morning (i.e., *Fajr*) and *'Ishā'* (late evening) *Salāt* (prayers), they would present themselves for the *Salāt* (prayers) even if they had to crawl to reach there." (See H. 615)

53 – THE BOOK OF PEACEMAKING [OR (RE)CONCILIATION]

٥٣ - كتاب الصلح

(1) CHAPTER. What has been said regarding (re)conciliation between the people.

And the Statement of Allāh جل جلاله:

"There is no good in most of their secret talks, save (in) him who orders *Ṣadaqa* (charity in Allāh's Cause), or *Ma'rūf* (Islāmic Monotheism and all the good and righteous deeds which Allāh has ordained), or conciliation between mankind; and he who does this, seeking the good Pleasure of Allāh, We shall give him a great reward." (V.4:114)

And the going of the ruler to the places (where disputes arise) to bring about a reconciliation between people through his companions.

(١) **باب** ما جاءَ في الإصْلاحِ بينَ النَّاس

وقولِ اللهِ عَزَّ وجَلَّ: ﴿لَّا خَيْرَ فِي كَثِيرٍ مِّن نَّجْوَىٰهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَٰحٍ بَيْنَ ٱلنَّاسِ ۚ وَمَن يَفْعَلْ ذَٰلِكَ ٱبْتِغَآءَ مَرْضَاتِ ٱللَّهِ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا ﴿١١٤﴾﴾ [النساء: ١١٤] وخُرُوجِ الإمامِ إلى المَواضعِ لِيُصْلِحَ بينَ النَّاس بأصْحابه.

2690. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: There was a dispute amongst the people of the tribe of Banī 'Amr bin 'Aūf. The Prophet ﷺ went to them along with some of his companions in order to make peace between them. The time for the *Ṣalāt* (prayer) became due but the Prophet ﷺ did not turn up; Bilāl pronounced the *Adhān* (call for *Ṣalāt*) for the *Ṣalāt* (prayer), but the Prophet ﷺ did not turn up, so Bilāl went to Abū Bakr and said, "The time for the *Ṣalāt* (prayer) is due and the Prophet ﷺ is detained, would you lead the people in the *Ṣalāt* (prayer)?" Abū Bakr replied, "Yes, if you wish." So, Bilāl pronounced the *Iqāma* of the *Ṣalāt* (prayer) and Abū Bakr went ahead [to lead the *Ṣalāt* (prayer)], but the Prophet ﷺ came walking among the rows till he joined the first row. The people started clapping and they clapped too much, and Abū Bakr used not to look hither and thither in the *Ṣalāt* (prayer), but

٢٦٩٠ - حَدَّثَنَا سَعِيدُ بنُ أبي مَرْيَمَ: حدَّثَنا أبُو غَسَّانَ قالَ: حدَّثَني أبُو حازِمٍ، عَنْ سَهْلِ بنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ: أنَّ أُناساً مِنْ بَني عَمْرِو بنِ عَوْفٍ كانَ بَيْنَهُمْ شَيْءٌ فَخَرَجَ إلَيهِمُ النَّبِيُّ ﷺ في أُناسٍ مِنْ أصْحابِهِ يُصْلِحُ بَيْنَهُمْ، فَحَضَرَتِ الصَّلاةُ ولَمْ يأتِ النَّبِيُّ ﷺ فأذَّنَ بِلالٌ بالصَّلاةِ ولَمْ يأتِ النَّبِيُّ ﷺ فَجاءَ إلى أبي بَكْرٍ فَقالَ: إنَّ النَّبِيَّ ﷺ حُبِسَ وقَدْ حَضَرَتِ الصَّلاةُ فَهَلْ لكَ أنْ تَؤُمَّ النَّاسَ؟ فَقالَ: نَعَمْ إنْ شِئْتَ، فأقامَ الصَّلاةَ فَتَقَدَّمَ أبُو بَكْرٍ ثُمَّ جاءَ النَّبِيُّ ﷺ يَمْشي في الصُّفُوفِ حتَّى قامَ في

الصَّفِّ الأوَّلِ. فأخَذَ النَّاسُ في التَّصْفيحِ حتَّى أكثرُوا وكانَ أبو بَكْرٍ لا يَكادُ يَلْتَفِتُ في الصَّلاة، فالْتَفَتَ فإذَا هُوَ بالنَّبيِّ ﷺ وَرَاءَهُ فأشارَ إليه بِيَدِهِ فأمَرَهُ أنْ يُصلِّيَ كما هُوَ. فَرَفَعَ أبُو بَكْرٍ يَدَهُ فَحمِدَ اللهَ ثُمَّ رَجَعَ القَهْقَرىٰ وَرَاءَهُ حتَّى دَخَلَ في الصَّفِّ فَتَقَدَّمَ النَّبيُّ ﷺ فَصَلَّى بالنَّاس. فَلَمَّا فَرَغَ أقْبلَ عَلى النَّاسِ فَقالَ: «يا أيُّها النَّاسُ إذَا نابَكُمْ شَيْءٌ في صَلاتِكُمْ أخَذْتُمْ بالتَّصْفيحِ؟ إنَّما التَّصْفيحُ للنِّساء. مَنْ نابَهُ شَيْءٌ في صَلاتِهِ فَلْيَقُلْ: سُبْحانَ اللهِ. فإنَّهُ لا يَسْمَعُهُ أحَدٌ إلَّا التفَتَ. يا أبا بَكْرٍ، ما مَنَعَكَ حِينَ أشَرْتُ إلَيْكَ لَمْ تُصَلِّ بالنَّاسِ؟» فَقالَ: ما كانَ يَنْبَغِي لابنِ أبي قُحافَةَ أنْ يُصَلِّيَ بَيْنَ يَدَي النَّبيِّ ﷺ. [راجع: ٦٨٤]

he turned round and saw the Prophet ﷺ standing behind him. The Prophet ﷺ beckoned him with his hand to keep on offering *Ṣalāt* (prayer) where he was. Abū Bakr raised his hand and praised Allāh and then retreated till he came in the (first) row, and the Prophet ﷺ went ahead and lead the people in the *Ṣalāt* (prayer). When the Prophet ﷺ finished the *Ṣalāt* (prayer), he turned towards the people and said, "O people! When something happens to you during the *Ṣalāt* (prayer), you start clapping, infact clapping is (permissible) for women only. If something happens to one of you in his *Ṣalāt* (prayer), he should say: *'Subhan Allāh'*, (Glorified be Allāh), for whoever hears him (saying so) will direct his attention towards him. O Abū Bakr! What prevented you from leading the people in the *Ṣalāt* (prayer) when I beckoned to you (to continue)?" Abū Bakr replied, "It did not befit the son of Abū Quḥāfa to lead the *Ṣalāt* (prayer) in front of the Prophet ﷺ."

٢٦٩١ - حَدَّثَنا مُسَدَّدٌ: حدَّثَنا مُعْتَمِرٌ قالَ: سَمِعْتُ أبي أنَّ أنَساً رَضِيَ اللهُ عَنْهُ قالَ: قِيلَ للنَّبيِّ ﷺ: لَوْ أتَيْتَ عَبْدَ اللهِ ابنَ أُبيٍّ، فانْطَلَقَ إلَيْهِ النَّبيُّ ﷺ وركِبَ حماراً فانْطَلَقَ المُسْلِمُونَ يَمْشُونَ مَعَهُ، وهِيَ أرْضٌ سَبِخَةٌ. فَلَمَّا أتاهُ النَّبيُّ ﷺ فَقالَ: إلَيْكَ عَنِّي، واللهِ لَقَدْ آذَاني نَتْنُ حمارِكَ. فَقالَ رَجُلٌ مِنَ الأنْصارِ مِنْهُمْ: واللهِ لَحِمَارُ رَسُولِ اللهِ ﷺ

2691. Narrated Anas رضي الله عنه: It was said to the Prophet ﷺ: "Would that you see 'Abdullāh bin Ubaī." So, the Prophet ﷺ went to him, riding a donkey, and the Muslims accompanied him, walking on salty barren land. When the Prophet ﷺ reached 'Abdullāh bin Ubaī, the latter said, "Keep away from me! By Allāh, the bad smell of your donkey has harmed me." On that an *Anṣārī* man said (to 'Abdullāh), "By Allāh! The smell of the donkey of Allāh's Messenger ﷺ is better than your smell." On that a man from 'Abdullāh's tribe got angry for 'Abdullāh's sake, and the two men abused each other which caused the friends of the

two men to get angry, and the two groups started fighting with sticks, shoes and hands. We were informed that the following Divine Verse was revealed (in this concern):

"And if two parties or groups among the believers fall to fighting, then make peace between them both..." (V.49:9)

(2) CHAPTER. He who makes peace between the people is not a liar.

2692. Narrated Umm Kulthūm bint Uqba رَضِيَ اللهُ عَنْهَا that she heard Allāh's Messenger ﷺ saying, "He who makes peace between the people by inventing good information or saying good things, is not a liar."

(3) CHAPTER. The saying of the ruler to his companions, "Let us go to bring about a (re)conciliation (between people)."

2693. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: Once the people of Qubā' fought with each other till they threw stones on each other. When Allāh's Messenger ﷺ was informed about it, he said, "Let us go to bring about a (re)conciliation between them."

أَطْيَبُ رِيحاً مِنْكَ، فَغَضِبَ لِعَبْدِ اللهِ رَجُلٌ مِنْ قَوْمِهِ فَشَتما فَغَضِبَ لِكُلِّ واحِدٍ مِنْهُما أَصْحابُهُ، فَكانَ بَيْنَهُما ضَرْبٌ بِالجَرِيدِ والنِّعالِ والأَيْدِي، فَبَلَغَنا أَنَّها نَزَلَت ﴿وَإِن طَآئِفَتَانِ مِنَ ٱلْمُؤْمِنِينَ ٱقْتَتَلُوا۟ فَأَصْلِحُوا۟ بَيْنَهُمَا﴾ [الحجرات: ٩].

(٢) بابٌ: لَيْسَ الكاذِبُ الَّذِي يُصْلِحُ بَيْنَ النَّاسِ

٢٦٩٢ - حَدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ: حدَّثَنا إِبْرَاهِيمُ بنُ سَعْدٍ، عَنْ صَالِحٍ، عَنِ ابنِ شِهابٍ: أَنَّ حُمَيْدَ بنَ عَبْدِ الرَّحْمٰنِ أَخْبرَهُ أَنَّ أُمَّهُ أُمَّ كُلْثُومٍ بِنْتَ عُقْبَةَ أَخْبرَتْهُ: أَنَّها سَمِعَتْ رَسُولَ اللهِ ﷺ يَقُولُ: «لَيْسَ الكَذَّابُ الَّذِي يُصْلِحُ بَينَ النَّاسِ فَيَنْمِي خَيراً أَوْ يَقُولُ خَيراً».

(٣) بابُ قَوْلِ الإمامِ لأَصْحابِهِ: اذهبوا بِنا نُصْلِحْ

٢٦٩٣ - حَدَّثَنا مُحَمَّدُ بنُ عَبْدِ اللهِ: حدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ الأُوَيْسِيُّ، وإِسْحَاقُ ابنُ مُحَمَّدٍ الفَرْوِيُّ قالا: حدَّثَنا مُحَمَّدُ بنُ جَعْفَرٍ، عَنْ أَبي حازِمٍ، عَنْ سَهْلِ بنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ: أَنَّ أَهْلَ قُباءٍ اقْتَتَلُوا حَتَّى تَرَامَوْا بالحجارَةِ، فأُخْبِرَ رَسُولُ اللهِ ﷺ بِذٰلكَ فقالَ: «اذْهَبُوا بِنا نُصْلِحُ بَيْنَهُمْ». [راجع: ٦٨٤]

(4) CHAPTER. The Statement of Allāh عزَّ وجَل:
"...If they make terms of peace between themselves; and making peace is better..." (V.4:128)

(٤) **بابُ** قَوْلِ اللهِ تعالىٰ: ﴿أَن يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ﴾ [النساء: ١٢٨].

2694. Narrated 'Āishah رَضِيَ اللهُ عَنْها: The following Verse:

"And if a woman fears cruelty or desertion on her husband's part..." (V.4:128)

This Verse means if the husband notices something unpleasant about his wife, such as old age or the like, and wants to divorce her, but she asks him to keep her and provide for her as he wishes).

٢٦٩٤ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثنا سُفْيانُ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أبيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها ﴿وَإِنِ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا﴾ [النساء: ١٢٨] قالَتْ: هُوَ الرَّجُلُ يَرَى من امْرَأَتِهِ ما لا يُعْجِبُهُ كِبَراً أوْ غَيرَهُ فَيُرِيدُ فِرَاقَها، فَتَقُولُ: أمْسِكْني، واقْسِمْ لي ما شِئْتَ. قالَتْ: ولا بأسَ إذَا تَرَاضَيا. [راجع: ٢٤٥٠]

(5) CHAPTER. If some people are (re)conciled on illegal basis, their (re)conciliation is rejected.

(٥) **بابٌ** إذَا اصْطَلَحُوا عَلَى صُلْحِ جَوْرٍ فالصُّلْحُ مَرْدُودٌ

2695, 2696. Narrated Abū Hurairah and Zaid bin Khālid Al-Juhani رَضِيَ اللهُ عَنْهُما: A bedouin came and said, "O Allāh's Messenger! Judge between us according to Allāh's Laws." His opponent got up and said, "He is right. Judge between us according to Allāh's Laws." The bedouin said, "My son was a labourer working for this man, and he committed illegal sexual intercourse with his wife. The people told me that my son should be stoned to death; so, in lieu of that, I paid a ransom of one hundred sheep and a slave-girl to save my son. Then I asked the learned scholars who said, 'Your son has to be lashed one hundred lashes and has to be exiled for one year.'" The Prophet ﷺ said, "No doubt, I will judge between you according to Allāh's Laws. The

٢٦٩٥، ٢٦٩٦ - حَدَّثَنَا آدَمُ: حدَّثَنا ابنُ أبي ذِئْبٍ: حدَّثَنا الزُّهْرِيُّ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ، عَنْ أبي هُرَيْرَةَ، وزَيْدِ ابنِ خالِدٍ الجُهَني رَضِيَ اللهُ عَنْهُما قالا: جاءَ أعْرَابيٌّ فَقالَ: يا رَسُولَ اللهِ، اقْضِ بَيْنَنا بِكِتابِ اللهِ، فَقامَ خَصْمُهُ فَقالَ: صَدَقَ، اقْضِ بَيْنَنا بِكِتابِ اللهِ. فَقالَ الأعْرَابيُّ: إنَّ ابْني كانَ عَسِيفاً عَلَى هذَا فَزَنى بامْرَأتِهِ: فَقالُوا لي: عَلَى ابْنِكَ الرَّجْمُ، ففَدَيْتُ ابْنِي مِنْهُ بِمائَةٍ مِنَ الغَنَمِ وَوَلِيدَةٍ، ثُمَّ سألْتُ أهْلَ العِلْمِ فَقالُوا:

slave-girl and the sheep are to go back to you, and your son will get a hundred lashes and one year exile." He then addressed somebody, "O Unais! Go to the wife of this (man) and stone her to death." So, Unais went and stoned her to death.

إنَّما عَلى ابْنِكَ جَلْدُ مائَةٍ وتَغْرِيبُ عامٍ. فَقالَ النَّبِيُّ ﷺ: «لأَقْضِيَنَّ بَيْنَكُما بِكِتابِ اللهِ، أمَّا الوَلِيدَةُ والغَنَمُ فَرَدٌّ عَلَيْكَ. وعَلى ابْنِكَ جَلْدُ مائَةٍ وتَغْرِيبُ عامٍ. وأمَّا أنْتَ يا أُنَيْسُ - لِرَجُلٍ - فاغْدُ عَلى امْرَأةِ هٰذا فارْجُمْها»، فَغَدَا عَلَيها أُنَيْسٌ فَرَجَمَها. [راجع: ٢٣١٤، ٢٣١٥]

2697. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Allāh's Messenger ﷺ said, "If somebody innovates something which is not present in our religion (of Islāmic Monotheism), then that thing will be rejected.

٢٦٩٧ - حَدَّثَنا يَعْقُوبُ: حدَّثَنا إبْرَاهِيمُ بنُ سَعْدٍ، عَنْ أبِيهِ، عَنِ القاسِمِ ابنِ مُحَمَّدٍ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: قالَ رَسُولُ اللهِ ﷺ: «مَنْ أحْدثَ في أمْرِنا هٰذا ما لَيْسَ فِيهِ فَهُوَ رَدٌّ»، رَوَاهُ عَبْدُ اللهِ بنُ جَعْفَرٍ المَخْرَمِيُّ وعَبْدُ الواحِدِ ابنُ أبي عَوْنٍ، عَنْ سَعْدِ بنِ إبْرَاهِيمَ.

(6) CHAPTER. How to write: These are the terms on which so-and-so, the son of so-and-so reconciled with so-and-so, the son of so-and-so, without mentioning the name of the tribe or the family name.

(٦) بابٌ: كَيْفَ يُكْتَبُ: هٰذَا ما صَالَحَ فُلانُ بنُ فُلانٍ وفُلانُ بنُ فُلانٍ، وإنْ لَمْ يَنْسُبْهُ إلى قَبِيلَتِهِ أوْ نَسَبِهِ

2698. Narrated Al-Barā' bin 'Āzib رَضِيَ اللهُ عَنْهُما: When Allāh's Messenger ﷺ concluded a peace treaty with *Al-Mushrikūn* (polytheists, idolaters, pagans) at Al-Hudaibīya, 'Alī bin Abi Ṭālib رَضِيَ اللهُ عَنْهُ wrote the document and he mentioned in it, "Muhammad, Allāh's Messenger ﷺ." The *Al-Mushrikūn* said, "Don't write: 'Muhammad, Allāh's Messenger', for if you were a Messenger we would not fight with you." Allāh's Messenger ﷺ asked 'Alī to rub it out, but 'Alī said, "I will not be the person

٢٦٩٨ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا غُنْدَرٌ: حدَّثَنا شُعْبَةُ، عَنْ أبي إسحاقَ قالَ: سَمِعْتُ البَرَاءَ بنَ عازِبٍ رَضِيَ اللهُ عَنْهُما قالَ: لَمَّا صَالَحَ رَسُولُ اللهِ ﷺ أهْلَ الحُدَيْبِيَةِ كَتَبَ عَلِيُّ بن أبي طالِب رِضْوانُ اللهِ عَلَيْهِ بَيْنَهُمْ كِتاباً. فَكَتَبَ: مُحَمَّدٌ رَسُولُ اللهِ ﷺ، فَقالَ المُشْرِكُونَ: لا

تَكْتُبْ: مُحَمَّدٌ رَسُولُ اللهِ، لَوْ كُنْتَ رَسُولاً لَمْ نُقاتِلْكَ. فَقالَ لِعَلِيٍّ: «امْحُهُ»، قالَ عَلِيٌّ: ما أنا بالذِي أمْحاهُ، فَمَحاهُ رَسُولُ اللهِ ﷺ، وصالَحهُمْ عَلى أنْ يَدْخُلَ هُوَ وأصْحابُهُ ثَلاثَةَ أيَّامٍ، ولا يَدْخُلُوها إلَّا بِجُلُبَّانِ السِّلاحِ، فَسألُوهُ: ما جُلُبَّانُ السِّلاحِ؟ فَقالَ: القِرابُ بِما فِيهِ. [راجع: ١٧٨١]

to rub it out." Allāh's Messenger ﷺ rubbed it out and made peace with them on the condition that the Prophet ﷺ and his companions would enter Makkah (next year) and stay there for three days, and that they would enter with their weapons in cases.

[See. *Hadīth* No. 2731, 2732].

٢٦٩٩ - حَدَّثَنا عُبَيْدُ اللهِ بنُ مُوسَى، عَنْ إسرائيلَ، عَنْ أبي إسحَاقَ، عَنِ البَراءِ رَضِيَ اللهُ عَنْهُ قالَ: اعْتَمَرَ النَّبِيُّ ﷺ في ذِي القَعْدَةِ فأبى أهْلُ مكَّةَ أنْ يَدَعُوهُ يَدْخُلُ مَكَّةَ، حتَّى قاضاهُمْ عَلى أنْ يُقِيمَ بِها ثَلاثَةَ أيَّامٍ. فَلَمَّا كَتَبُوا الكِتابَ كَتَبُوا: هذا ما قاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللهِ ﷺ، فَقالُوا: لا نُقِرُّ بِها، فَلَوْ نَعْلَمُ أنَّكَ رَسُولُ اللهِ ما مَنَعْناكَ، لكِن أنْتَ مُحَمَّدُ بن عَبْدِ اللهِ. قالَ: «أنا رَسُولُ اللهِ، وأنا مُحَمَّدُ بنُ عَبْدِ اللهِ»، ثُمَّ قالَ لِعَلِيٍّ: «امْحُ: رَسُولُ اللهِ» قالَ: لا، واللهِ لا أمحُوكَ أبداً. فأخَذَ رَسُولُ اللهِ ﷺ الكِتابَ فَكَتَبَ: «هذا ما قاضَى عليهِ مُحَمَّدُ بنُ عَبْدِ اللهِ: لا يَدْخُلُ مَكَّةَ سِلاحٌ إلَّا في القِرابِ، وأنْ لا يَخْرُجَ مِنْ أهْلِها بأحَدٍ إنْ أرادَ أنْ يَتَّبِعَهُ، وأنْ لا يَمْنَعَ أحَداً مِنْ

2699. Narrated Al-Barā' رَضِيَ اللهُ عَنْهُ: When the Prophet ﷺ intended to perform *'Umra* in the month of Dhul-Qa'da, the people of Makkah did not let him enter Makkah till he settled the matter with them by promising to stay in it for three days only. When the document of treaty was written, the following was mentioned: 'These are the terms on which Muhammad ﷺ, the Messenger of Allāh agreed (to make peace).' They said, "We will not agree to this, for if we believed that you are Allāh's Messenger we would not prevent you, but you are Muhammad bin 'Abdullāh." The Prophet ﷺ said, "I am Allāh's Messenger and also Muhammad bin 'Abdullāh." Then he said to 'Alī, "Rub off (the words) 'Allāh's Messenger'", but 'Alī said, "No, by Allāh, I will never rub off your name." So, Allāh's Messenger ﷺ took the document and wrote, 'This is what Muhammad bin 'Abdullāh has agreed upon: No arms will be brought into Makkah except in their cases, and nobody from the people of Makkah will be allowed to go with him (i.e., the Prophet ﷺ) even if he wished to follow him and he (the Prophet ﷺ) will not prevent any of his companions from staying back in Makkah if the latter wants to stay.' When the Prophet ﷺ entered Makkah

(the next year) and the time limit passed, the Makkans went to 'Alī and said, "Tell your friend (i.e., the Prophet ﷺ) to go out, as the period (agreed to) has passed." So, the Prophet ﷺ went out of Makkah. The daughter of Ḥamza ran after them (i.e., the Prophet ﷺ and his companions), calling, "O Uncle! O Uncle!" 'Alī رَضِيَ اللهُ عَنْهُ received her and led her by the hand and said to Fāṭima رَضِيَ اللهُ عَنْهَا, "Take your uncle's daughter." Zaid and Ja'far quarrelled about her. 'Alī said, "I have more right to her as she is my uncle's daughter. Ja'far said; "She is my uncle's daughter, and her aunt is my wife." Zaid said, "She is my brother's daughter." The Prophet ﷺ judged that she should be given to her aunt, and said that the aunt was like the mother. He then said to 'Alī, "You are from me and I am from you", and said to Ja'far, "You resemble me both in character and appearance", and said to Zaid, "You are our brother (in faith) and our freed slave."[1]

أصحَابِهِ أرَادَ أنْ يُقِيمَ بِها». فَلَمَّا دَخَلَها ومَضَى الأجَلُ أتَوْا عَلِيًّا فَقالُوْا: قُلْ لِصَاحِبِكَ: اخْرُجْ عَنَّا فَقَدْ مَضى الأجَلُ، فَخَرَجَ النَّبِيُّ ﷺ فَتَبِعَتْهُمُ ابْنَةُ حَمْزَةَ: يا عَمِّ يا عَمِّ، فَتَنَاوَلَها عَلِيٌّ فأخَذَ بِيَدِها، وقال لِفاطِمَةَ: دُونَكِ ابْنَةَ عَمِّكِ، احمليها، فاخْتَصَمَ فيها عَلِيٌّ وزَيْدٌ وجَعْفَرٌ، فَقالَ عَلِيٌّ: أنا أحَقُّ بِها وهِيَ ابْنَةُ عَمِّي. وقالَ جَعْفَرٌ: ابْنَةُ عَمِّي وخالَتُها تَحْتِي. وقالَ زَيْدٌ: ابْنَةُ أخِي، فَقَضَى بِها النَّبِيُّ ﷺ لخالَتِها، وقالَ: «الخَالَةُ بِمَنزِلَةِ الأمِّ». وقالَ لِعَلِيٍّ: «أنْتَ مِنِّي وأنا مِنْكَ»، وقالَ لِجَعْفَرٍ: «أشْبَهْتَ خَلْقِي وَخُلُقِي»، وقالَ لِزَيْدٍ: «أنْتَ أخُونا ومَولانا».

[راجع: ١٧٨١]

(7) CHAPTER. To make peace with *Al-Mushrikūn* (polytheists, idolaters, pagans).

(٧) بابُ الصُّلْحِ مَعَ المُشْرِكِيْنَ

This chapter includes Abū Sufyan's narration.

Narrated 'Aūf bin Mālik: The Prophet ﷺ said, "There will be a peace treaty between you and Banī Al-Aṣfar (the Byzantines)."

فِيهِ عَنْ أبي سُفْيانَ، وقالَ عَوْفُ بنُ مالكٍ عَنِ النَّبِيِّ ﷺ: «ثمَّ تَكُونُ هُدْنَةٌ بَيْنَكُمْ وبينَ بَني الأصْفَرِ». وفِيهِ سَهْلُ بنُ حُنَيْفٍ لقد رأيتُنا يَوْمَ أبي جَنْدَلٍ وأسماءُ والمِسْوَرُ عَنِ النَّبيِّ ﷺ.

2700. Narrated Al-Bara' bin 'Azib رَضِيَ اللهُ

٢٧٠٠ - وقالَ مُوسَى بنُ

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(1) (H. 2699) The Prophet ﷺ had established the bond of brotherhood between Zaid, his freed slave, and Ḥamza, the Prophet's uncle. This is why Zaid said, "She is my brother's daughter." The Prophet ﷺ in addressing the three persons claiming the right of taking Ḥamza's daughter, is consoling them by relating them to himself, so that they would not be dissatisfied with his judgement.

مَسْعُودٍ: حدَّثَنا سُفْيانُ بنُ سعيدٍ، عَنْ أبي إسحاقَ، عَنِ البَرَاءِ بنِ عازِبٍ رَضِيَ اللهُ عَنْهُما قالَ: صالَحَ النَّبِيُّ ﷺ المُشْرِكِينَ يَوْمَ الْحُدَيْبِيَةِ عَلى ثَلاثَةِ أشْياءَ: عَلى أنَّ مَنْ أتاهُ مِنَ المُشْرِكِينَ رَدَّهُ إلَيهِمْ. ومَنْ أتاهُمْ مِنَ المُسْلِمِينَ لَمْ يَرُدُّوهُ. وعَلى أنْ يَدْخُلَها مِنْ قابِلٍ ويُقِيمَ بِها ثَلاثَةَ أيَّامٍ. ولا يَدْخُلَها إلَّا بِجُلُبَّانِ السِّلاحِ: السَّيْفِ والقَوْسِ ونَحْوِهِ. فَجاءَ أبُو جَنْدَلٍ يَحْجُلُ في قُيُودِهِ فَرَدَّهُ إلَيهِمْ. [راجع: ١٧٨١]

قالَ أبو عَبْدِ اللهِ: لَمْ يَذْكُرْ مُؤَمَّلٌ عَنْ سُفْيانَ أبا جَنْدَلٍ، وقالَ: إلَّا بِجُلُبِّ السِّلاحِ.

عَنْهُما: On the day of *Hudaibīya,* the Prophet ﷺ made a peace treaty with the *Al-Mushrikūn* on three conditions:

1. The Prophet ﷺ would return to them any person from *Al-Mushrikūn* (polytheists, idolaters, pagans)
2. *Al-Mushrikūn* pagans would not return any of the Muslims going to them, and
3. The Prophet ﷺ and his companions would come to Makkah the following year and would stay there for three days and would enter Makkah with their weapons in cases, e.g., swords, arrows, bows, etc.

Abū Jandal came hopping, his legs being chained, but the Prophet ﷺ returned him to *Al-Mushrikūn*.

٢٧٠١ - **حَدَّثَنا** مُحَمَّدُ بنُ رَافِعٍ: حدَّثَنا سُرَيْجُ بنُ النُّعْمانِ قَالَ: حدَّثَنا فُلَيْحٌ عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ خَرَجَ مُعْتَمِراً فَحالَ كُفَّارُ قُرَيشٍ بَيْنَهُ وبَينَ البَيْتِ فَنَحَرَ هَدْيَهُ وحَلَقَ رَأْسَهُ بالْحُدَيْبِيَةِ وقاضَاهُمْ عَلى أنْ يَعْتَمِرَ العامَ المُقْبِلَ ولا يَحْمِلَ سِلاحاً عَلَيهِمْ إلَّا سُيُوفاً، ولا يُقِيمَ بِها إلَّا ما أحَبُّوا. فاعْتَمَرَ مِنَ العامِ المُقْبِلِ فَدَخَلَها كما كانَ صالَحَهُمْ، فَلَمَّا أقامَ بِها ثَلاثاً أمَرُوهُ أنْ يَخْرُجَ فَخَرَجَ. [انظر: ٤٢٥٢]

2701. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ set out for the *'Umra* but the disbelievers of Quraish prevented him from reaching the Ka'bah. So, he slaughtered his sacrifice and got his head shaved at Al-Hudaibīya, and agreed with them that he would perform *'Umra* the following year and would not carry weapons except swords, and would not stay in Makkah except for the period they allowed. So, the Prophet ﷺ performed the *'Umra* in the following year and entered Makkah according to the treaty, and when he stayed for three days, the disbelievers ordered him to depart, and he departed.

2702. Narrated Sahl bin Abū Hathma: 'Abdullāh bin Sahl and Muḥaiyisa bin Mas'ūd bin Zaid went to Khaibar when it had had a peace treaty (with the Muslims).

٢٧٠٢ - حَدَّثَنَا مُسَدَّدٌ: حدَّثنا بِشْرٌ: حدَّثنا يَحْيى، عَنْ بُشَيرِ بنِ يسَارٍ، عَنْ سَهْلِ بنِ أبي حَثْمَةَ قالَ: انْطَلَقَ عَبْدُ اللهِ ابنُ سَهْلٍ ومُحَيِّصَةُ بنُ مَسْعُودِ بنِ زَيْدٍ إلى خَيْبَرَ وهِيَ يَوْمَئِذٍ صُلْحٌ. [انظر: ٣١٧٣، ٦١٤٣، ٦٨٩٨، ٧١٩٢]

(8) CHAPTER. Agreement about *Diya* (blood money).

(٨) بابُ الصُّلْحِ في الدِّيَةِ

2703. Narrated Anas رَضِيَ اللهُ عَنْهُ: Ar-Rabī', the daughter of An-Naḍr broke the tooth of a girl, and the relatives of Ar-Rabī' requested the girl's relatives to accept the *Arsh* (compensation for wounds etc.) and forgive (the offender), but they refused. So, they went to the Prophet ﷺ who ordered them to bring about retaliation. Anas bin An-Naḍr asked, "O Allāh's Messenger! Will the tooth of Ar-Rabī' be broken? No, by Him Who has sent you with the Truth, her tooth will not be broken." The Prophet ﷺ said, "O Anas! Allāh's Law ordains retaliation." Later the relatives of the girl agreed and forgave her. The Prophet ﷺ said, "There are some of Allāh's slaves who, if they take an oath by Allāh, are responded to by Allāh (i.e., their oath is fulfilled)." Anas added, "The people agreed and accepted the *Arsh*."

٢٧٠٣ - حَدَّثَنَا مُحَمَّدُ بنُ عَبْدِ اللهِ الأنْصارِيُّ قالَ: حدَّثَني حُمَيْدٌ: أنَّ أنَساً حَدَّثَهُمْ: أنَّ الرُّبَيِّعَ وهِيَ ابْنَةُ النَّضْرِ كَسَرَتْ ثَنِيَّةَ جارِيَةٍ، فَطَلَبُوا الأرْشَ وطَلَبُوا العَفْوَ فأبَوْا، فأتَوُا النَّبِيَّ ﷺ فأمَرَهُمْ بالقِصاصِ فَقالَ أنَسُ بنُ النَّضْرِ: أتُكْسَرُ ثَنِيَّةُ الرُّبَيِّعِ يا رَسُولَ اللهِ؟ لا وَالذِي بَعَثَكَ بالحَقِّ لا تُكْسَرُ ثَنِيَّتُها. فَقالَ: «يا أنَسُ كِتابُ اللهِ القِصاصُ»، فَرَضِيَ القَوْمُ وعَفَوْا فَقالَ النَّبِيُّ ﷺ: «إنَّ مِنْ عِبادِ اللهِ مَنْ لَوْ أقْسَمَ عَلى اللهِ لأبَرَّهُ».

زَادَ الفَزَارِيُّ، عَنْ حُمَيْدٍ، عَنْ أنَسٍ: فَرَضِيَ القَوْمُ وقَبِلوا الأرْشَ. [انظر: ٢٨٠٦، ٤٤٩٩، ٤٥٠٠، ٤٦١١، ٦٨٩٤]

(9) CHAPTER. The saying of the Prophet ﷺ to Al-Ḥasan bin 'Alī رَضِيَ اللهُ عَنْهُما, "This son of mine is *Saiyid* (a noble) and may Allāh make peace between two big groups (of Muslims) through him." And the Statement of

(٩) بابُ قَوْلِ النَّبِيِّ ﷺ للحَسَنِ بنِ عَليّ رَضِيَ اللهُ عَنْهُما: «إنَّ ابْنِي هذَا سَيِّدٌ ولَعَلَّ اللهَ أنْ يُصْلِحَ بِهِ بَيْنَ فِئَتَيْنِ

عَظِيمَتَيْنِ»، وقَوْلُهُ جَلَّ ذِكْرُهُ: ﴿فَأَصْلِحُوا بَيْنَهُمَا﴾ [الحجرات: ٩].

٢٧٠٤ - حَدَّثَنَا عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا سُفْيانُ عَنْ أبي مُوسَى قالَ: سَمِعْتُ الحَسَنَ يَقول: استقبَلَ واللهِ الحَسَنُ بنُ عَليّ مُعاوِيَةَ بِكَتائِبَ أمْثالِ الجِبالِ، فَقالَ عَمْرُو بنُ العاصِ: إنّي لأرَى كَتائِبَ لا تُوَلِّي حتَّى تَقْتُلَ أقْرانَها. فَقالَ لَهُ مُعاوِيَةُ وكانَ واللهِ خَيرَ الرَّجُلَينِ: أي عَمْرُو، إنْ قَتَلَ هٰؤُلاءِ هٰؤُلاءِ و هٰؤُلاءِ هٰؤُلاءِ: مَنْ لي بأمُورِ النَّاسِ؟ مَنْ لي بِنِسائِهِمْ؟ مَنْ لي بِضَيْعَتِهِمْ؟ فَبَعَثَ إلَيْهِ رَجُلَينِ مِنْ قُرَيْشٍ مِنْ بَني عَبْدِ شَمْسٍ: عَبْدَ الرَّحْمٰنِ ابنَ سَمُرَةَ، وعَبْدَ اللهِ بنَ عامِرِ بنِ كُرَيْزٍ، فَقالَ: اذْهَبا إلى هٰذا الرَّجُلِ فاعْرِضا عَلَيْهِ وقُولا لَهُ واطْلُبا إلَيْهِ، فأتَياهُ فَدَخَلا عَلَيْهِ فَتَكَلَّما وقالا لَهُ وَطَلَبا إلَيْهِ. فَقالَ لَهُما الحَسَنُ بنُ عَليّ: إنَّا بَنُو عَبْدِ المُطَّلِبِ قَدْ أصَبْنا مِنْ هٰذا المَالِ، وإنَّ هذِهِ الأُمَّةَ قَدْ عاثَتْ في دِمائِها قالا: فإنَّهُ يَعْرِضُ عَلَيْكَ كَذَا وكَذَا، ويَطْلُبُ إلَيْكَ ويَسْألُكَ. قالَ: فَمَنْ لي بِهذَا؟ قالا: نَحْنُ لكَ بِهِ فَما سَألَهُما شَيْئاً إلَّا قالا: نَحْنُ لكَ بِهِ، فَصالَحَهُ فَقَالَ الحَسَنُ: ولَقَدْ سَمِعْتُ أبا بَكْرَةَ يَقُولَ: رَأيْتُ رَسُولَ اللهِ ﷺ

Allāh تعالى:
"... Then make peace between them both..." (V.49:9)

2704. Narrated Al-Ḥasan (Al-Basrī): By Allāh, Al-Ḥasan bin 'Alī led large battalions like mountains against Mu'āwīya. 'Amr bin Al-'Āṣ said (to Mu'āwīya), "I surely see battalions which will not turn back before killing their opponents." Mu'āwīya who was really the best of the two men said to him, "O 'Amr! If these killed those and those killed these, who would be left with me for the jobs of the people, who would be left with me for their women, who would be left with me for their children?" Then Mu'āwīya sent two Quraishī men from the tribe of 'Abd Shams called 'Abdur Raḥmān bin Sumura and Abdullāh bin 'Āmir bin Kuraiz to Al-Ḥasan saying to them, "Go to this man (i.e., Al-Ḥasan) and negotiate peace with him and talk and appeal to him." So, they went to Al-Ḥasan and talked and appealed to him to accept peace. Al-Ḥasan said, "We, the offspring of 'Abdul Muṭṭalib, have got wealth and people have indulged in killing and corruption (and money only will appease them)." They said to Al-Ḥasan, "Mu'āwīya offers you so and so, and appeals to you and entreats you to accept peace." Al-Ḥasan said to them, "But who will be responsible for what you have said?" They said, "We will be responsible for it." So, whatever Al-Ḥasan asked they said, "We will be responsible for it for you." So, Al-Ḥasan concluded a peace treaty with Mu'āwīya. Al-Ḥasan (Al-Baṣrī) said: I heard Abū Bakra saying, "I saw Allāh's Messenger ﷺ on the pulpit and Al-Ḥasan bin 'Alī was by his side. The Prophet ﷺ was looking once at the people and once at Al-Ḥasan bin 'Alī saying, 'This son of mine is a *Saiyid* (i.e., a noble) and may Allāh make peace between two big groups of

Muslims through him.'"

عَلى المِنْبَرِ والحَسَنُ بنُ عَلِيٍّ إلى جَنْبِهِ وهُوَ يُقْبِلُ عَلى النَّاسِ مَرَّةً وعَلَيْهِ أُخْرَى ويَقُولُ: «إنَّ ابْنِي هذا سَيِّدٌ ولَعلَّ اللهَ أنْ يُصْلحَ بِهِ بَينَ فِئَتَينِ عَظِيمَتَينِ مِنَ المُسْلِمِينَ». قالَ أبو عَبْدِ اللهِ: قالَ لي عَليُّ بنُ عَبْدِ اللهِ: إنَّما ثَبَتَ لَنا سَمَاعُ الحَسنِ منْ أبي بَكْرَةَ بِهٰذَا الحَدِيثِ. [انظر: ٣٦٢٩، ٣٧٤٦، ٧١٠٩]

(10) CHAPTER. Should the *Imām* suggest reconciliation?

(١٠) بابٌ: هَلْ يُشِيرُ الإمامُ بالصُّلْحِ؟

2705. Narrated 'Āishah رَضِيَ اللهُ عَنْها: Once, Allāh's Messenger ﷺ heard the loud voices of some opponents quarrelling at the door. One of them was appealing to the other to deduct his debt and asking him to be lenient, but the other was saying, "By Allāh, I will not do so." Allāh's Messenger ﷺ went out to them and said, "Who is the one who was swearing by Allāh that he would not do a favour?" That man said, "I am that person, O Allāh's Messenger! I will give my opponent whatever he wishes."

٢٧٠٥ - **حَدَّثَنَا** إسْمَاعِيلُ بنُ أبي أُوَيْسٍ: قالَ حدَّثَني أخِي عَنْ سُلَيْمانَ، عَنْ يَحْيى بنِ سَعِيدٍ، عَنْ أبي الرِّجالِ مُحَمَّدِ بنِ عَبْدِ الرَّحْمٰنِ: أنَّ أُمَّهُ عَمْرَةَ بِنْتَ عَبْدِ الرَّحْمٰنِ قالَتْ: سَمِعْتُ عائِشَةَ رَضِيَ اللهُ عَنْها تَقُولُ: سَمِعَ رَسُولُ اللهِ ﷺ صَوْتَ خُصُومٍ بالبابِ عالِيَةٍ أصواتُهُم، وإذَا أحَدُهما يَسْتَوْضِعُ الآخَرَ ويَسْتَرْفِقُهُ في شَيْءٍ وهُوَ يَقُولُ: واللهِ لا أفْعَلُ، فَخَرَجَ عَلَيهما رَسُولُ اللهِ ﷺ فَقالَ: «أيْنَ المُتَأَلِّي عَلى اللهِ لا يَفْعَلُ المَعْرُوفَ؟» فَقالَ: أنا يا رَسُولَ اللهِ فله أيُّ ذٰلكَ أحَبَّ.

2706. Narrated 'Abdullāh bin Ka'b bin Mālik from Ka'b bin Mālik: 'Abdullāh bin Abū Hadrad Al-Aslamī owed Ka'b bin Mālik some money. One day the latter met the former and demanded his right, and their

٢٧٠٦ - **حَدَّثَنَا** يَحْيى بنُ بُكَيْرٍ: حدَّثَنا اللَّيْثُ، عَنْ جَعْفَرِ بنِ رَبِيعَةَ، عَنِ الأعْرَجِ قالَ: حدَّثَنِي عَبْدُ اللهِ بنُ

كَعْبِ بنِ مالكٍ، عَنْ كَعْبِ بنِ مالكٍ أَنَّهُ كانَ لَهُ عَلى عَبْدِ اللهِ بنِ أبي حَدْرَدٍ الأَسْلَمِيّ مالٌ، فَلَقِيَهُ فَلَزِمَهُ حتَّى ارْتَفَعَتْ أَصْواتُهُما، فَمَرَّ بِهِما النَّبِيُّ ﷺ فَقالَ: يا «كَعْبُ»، فأشارَ بِيَدِهِ كأَنَّهُ يَقُولُ: النِّصْفَ، فأخَذَ نِصْفَ ما لَهُ عَلَيْهِ وتَرَكَ نِصْفاً. [راجع: ٤٥٧]

voices grew very loud. The Prophet ﷺ passed by them and said, "O Ka'b," beckoning with his hand as if intending to say, "Deduct half the debts." So, Ka'b took half what the other owed him and remitted the other half.

(١١) **بابُ فَضْلِ الإِصْلاحِ بَيْنَ النَّاسِ والعَدْلِ بَيْنَهُمْ**

(11) CHAPTER. The superiority of making peace and establishing justice among the people.

٢٧٠٧ - حَدَّثَنا إسحاقُ بنُ مَنْصُورٍ: أخْبَرَنا عَبْدُ الرَّزَّاقِ: أخبرَنا مَعْمَرٌ، عَنْ هَمَّامٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «كُلُّ سُلامَى مِنَ النَّاسِ عَلَيْهِ صَدَقَةٌ، كُلَّ يَوْمٍ تَطْلُعُ فِيهِ الشَّمْسُ، يَعْدِلُ بَيْنَ النَّاسِ صَدَقَةٌ». [انظر: ٢٨٩١، ٢٩٨٩]

2707. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "There is a *Ṣadaqa* to be given for every joint of the human body; and for every day on which the sun rises there is a *Ṣadaqa* (i.e., charitable gift to be given), the one who establishes justice among people[1] is considered as a *Ṣadaqa*.

[See Vol. 4, *Hadith* No.2891, 2989]

(١٢) **بابٌ إذا أشارَ الإمامُ بالصُّلْحِ فأبى حَكَمَ عَلَيْهِ بالحُكْمِ البَيِّنِ**

(12) CHAPTER. If the *Imām* (i.e., ruler) suggests a (re)conciliation but the defendant refuses it, he is to be judged by the evident valid law.

٢٧٠٨ - حَدَّثَنا أَبُو اليمانِ: أخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أخبَرَني عُرْوَةُ ابنُ الزُّبَيْرِ: أنَّ الزُّبَيْرَ كانَ يُحَدِّثُ أنَّهُ خاصَمَ رَجُلاً مِنَ

2708. Narrated 'Urwa bin Az-Zubair رَضِيَ اللهُ عَنْهُ: Az-Zubair told me that he quarrelled with an *Anṣārī* man who had participated in (the battle of) Badr in front of Allāh's Messenger ﷺ about a water stream which

(1) (H. 2707) One is supposed to thank Allāh for the many favours Allāh has bestowed upon one; one of these numberless favours is the miraculous creation of the three hundred and sixty joints of man's body. Allāh rewards those who bring about peace among people with their justice, and such good deeds compensate for the *Ṣadaqa* which one should pay as a sign of gratitude to Allāh.

both of them used for irrigation. Allāh's Messenger ﷺ said to Az-Zubair, "O Zubair! Irrigate (your garden) first, and then let the water flow to your neighbour." The *Anṣārī* became angry and said, "O Allāh's Messenger! Is it because he is your cousin?" On that the complexion of Allāh's Messenger ﷺ changed (because of anger) and he said (to Az-Zubair), "Irrigate (your garden) and then withhold the water till it reaches the walls (surrounding the palms)." So, Allāh's Messenger ﷺ gave Az-Zubair his full right. Before that Allāh's Messenger ﷺ had given a generous judgement beneficial for Az-Zubair and the *Anṣārī*, but when the *Anṣārī* irritated Allāh's Messenger ﷺ he gave Az-Zubair his full right according to the evident law. Az-Zubair said, "By Allāh! I think the following Verse was revealed concerning that case:

'But no, by your Lord, they can have no Faith, until they make you (O Muḥammad ﷺ) judge in all disputes between them...' " (V.4:65)

الأَنْصَارِ قَدْ شَهِدَ بَدْراً إلى رَسُولِ اللهِ ﷺ في شِرَاجٍ مِنَ الحَرَّةِ كانا يَسْقِيانِ بِهِ كِلاهُمَا. فَقالَ رَسُولُ اللهِ ﷺ لِلزُّبَيرِ: «اسْقِ يا زُبَيرُ ثُمَّ أَرْسِلْ إلى جارِكَ»، فَغَضِبَ الأَنْصارِيُّ، فَقالَ: يا رَسُولَ اللهِ آنْ كانَ ابنَ عَمَّتِكَ؟ فَتَلَوَّنَ وَجْهُ رَسُولِ اللهِ ﷺ ثُمَّ قالَ: «اسْقِ ثُمَّ احْبِسْ حتَّى يَبْلُغَ الجَدْرَ»، فاسْتَوْعَى رَسُولُ اللهِ ﷺ حِينَئِذٍ حَقَّهُ لِلزُّبَيرِ، وكانَ رَسُولُ اللهِ ﷺ قَبْلَ ذَلكَ أشارَ عَلى الزُّبَيرِ بِرَأْيٍ سَعَةٍ لَهُ ولِلأَنْصَارِيِّ، فَلَمَّا أَحْفَظَ الأَنْصَارِيُّ رَسُولَ اللهِ ﷺ اسْتَوْعَى للزبير حَقَّهُ في صَرِيحِ الحُكْمِ. قالَ عُرْوَةُ: قالَ الزُّبَيرُ: واللهِ ما أَحْسِبُ هذِهِ الآيَةَ نَزَلَتْ إلَّا في ذٰلكَ: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ﴾. الآيَةَ [النساء: ٦٥].

[راجع: ٢٣٦٠]

(13) CHAPTER. Reconciliation between the creditors and between the inheritors and the repayment of debts by giving an amount that is not specified or counted.

(١٣) بابُ الصُّلْحِ بَينَ الغُرَماءِ وأَصْحابِ المِيرَاثِ والمُجازَفَةِ في ذٰلكَ

Ibn 'Abbās said, "There is no harm if two partners agree that one of them takes the debts and the other takes the assets, but if the property of any of them is ruined the loser has no right to claim it from the other partner."

وقالَ ابنُ عَبَّاسٍ: لا بأسَ أنْ يَتَخارَجَ الشَّرِيكانِ، فَيأخُذَ هٰذَا دَيْناً وهذَا عَيْناً، فإنْ تَوِيَ لأحدهما، لَمْ يَرْجِعْ عَلى صَاحِبِهِ.

2709. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُمَا: My father died and was in debt. I suggested that his creditors take the fruits

٢٧٠٩ - حدَّثني مُحَمَّدُ بنُ بَشَّارٍ: حدَّثنا عَبْدُ الوَهَّابِ: حدَّثنا

(i.e., dates) of my garden in lieu of the debt of my father, but they refused the offer, as they thought that it would not cover the full debt. So, I went to the Prophet ﷺ and told him about it. He (ﷺ) said (to me), "When you pluck the dates and collect them in the *Mirbad* (i.e., a place where dates are dried), call me." Finally, he came accompanied by Abū Bakr and 'Umar and sat on the dates and invoked Allāh to bless them. Then he said, "Call your creditors and give them their full rights." So, I paid all my father's creditors in full and yet thirteen extra *Wasq* of dates remained, seven of which were *'Ajwa* and six were *Laun*, or six of which were *'Ajwa* and seven were *Laun*. I met Allāh's Messenger ﷺ at sunset and informed him about it. On that he smiled and said, "Go to Abū Bakr and 'Umar and tell them about it." They said, "We perceived that that was going to happen, as Allāh's Messenger ﷺ did what he did."

عُبَيْدُ اللهِ، عَنْ وَهْبِ بنِ كَيْسانَ عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: تُوُفِّيَ أبي وعَلَيْهِ دَيْنٌ، فَعَرَضْتُ علَى غُرَمائِهِ أنْ يأْخُذُوا التَّمْرَ بِما عَلَيْهِ فأبَوْا، ولَمْ يَرَوْا أنَّ فِيهِ وفاءً. فأتَيْتُ النَّبِيَّ ﷺ فَذَكَرْتُ ذٰلكَ لَهُ فَقالَ: «إذَا جَدَدْتَهُ فَوَضَعْتَهُ في المِرْبَدِ آذَنْتَ رَسُولَ اللهِ ﷺ» فَجاءَ ومَعَهُ أبُو بَكْرٍ وعُمَرُ فَجَلَسَ عَلَيْهِ ودَعا بالبَرَكَةِ، ثُمَّ قالَ: «ادْعُ غُرَماءَكَ فأوْفِهِمْ». فَما تَرَكْتُ أحَداً لَهُ عَلَى أبي دَيْنٌ إلَّا قَضَيْتُهُ وفَضَلَ ثَلاثَةَ عَشَرَ وَسْقاً، سَبْعَةٌ عَجْوَةٌ وسِتَّةٌ لَوْنٌ، أوْ سِتَّةٌ عَجْوَةٌ وسَبْعَةٌ لَوْنٌ، فَوَافَيْتُ مَعَ رَسُولِ اللهِ ﷺ المَغْرِبَ فَذَكَرْتُ لَهُ ذٰلكَ فَضَحِكَ، فَقالَ: «ائْتِ أبا بَكْرٍ وعُمَرَ فأخْبِرْهُما»، فَقالا: لَقَدْ عَلِمْنا إذْ صَنَعَ رَسُولُ اللهِ ﷺ ما صَنَعَ أنْ سَيَكُونُ ذٰلكَ، وقالَ هِشامٌ، عَنْ وَهْبٍ، عَنْ جابِرٍ: صَلاةَ العَصْرِ ولَمْ يَذْكُرْ: أبا بَكْرٍ، ولا ضَحِكَ، وقالَ: وتَرَكَ أبي عَلَيْهِ ثَلاثِينَ وَسْقاً دَيْناً. وقالَ ابنُ إسحاقَ، عَنْ وَهْبٍ، عَنْ جابِرٍ: صَلاةَ الظُّهْرِ. [راجع: ٢١٢٧]

(14) CHAPTER. Bringing about reconciliation in case of dispute concerning debts.

(١٤) بابُ الصُّلْحِ بالدَّيْنِ والعَيْنِ

2710. Narrated 'Abdullāh bin Ka'b that Ka'b bin Mālik told him that in the lifetime of Allāh's Messenger ﷺ he demanded his debt

٢٧١٠ - حَدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا عُثمانُ بنُ عُمَرَ:

أَخْبَرَنا يُونُسُ، وقالَ اللَّيْثُ: حدَّثَني يُونُسُ، عَنِ ابنِ شِهابٍ: أَخْبَرَني عَبْدُ اللهِ بنُ كَعْبٍ أَنَّ كَعْبَ بنَ مالِكٍ أَخْبَرَهُ: أَنَّهُ تَقاضَى ابنَ أَبي حَدْرَدٍ دَيْناً كانَ لَهُ عَلَيْهِ في عَهْدِ رَسُولِ اللهِ ﷺ في المَسْجِدِ، فارْتَفَعَتْ أَصْوَاتُهما حتَّى سَمِعَها رَسُولُ اللهِ ﷺ وهُوَ في بيته فَخَرَجَ رَسُولُ اللهِ ﷺ إِلَيهما حتَّى كَشَفَ سِجْفَ حُجْرَتِهِ فَنادَى كَعْبَ بنَ مالِكٍ فَقالَ: «ياكَعْبُ»، فَقالَ: لَبَّيْكَ يا رَسُولَ اللهِ، فَأَشارَ بِيَدِهِ أَنْ ضَعِ الشَّطْرَ، فَقالَ كَعْبٌ: قَدْ فَعلْتُ يا رَسُولَ اللهِ، فَقالَ رَسُولُ اللهِ ﷺ: «قُمْ فاقْضِهِ». [راجع: ٤٥٧]

from Ibn Abū Hadrad in the mosque. Their voices grew louder till Allāh's Messenger ﷺ heard them while he was in his house. So, he lifted the curtain of his room and called Ka'b bin Mālik saying, "O Ka'b!" He replied, "*Labbaik!* O Allāh's Messenger!" He beckoned to him with his hand suggesting that he deduct half the debt. Ka'b said, "I agree, O Allāh's Messenger!" Allāh's Messenger ﷺ then said (to Ibn Abū Hadrad), "Get up and pay him the rest."

54 - THE BOOK OF CONDITIONS

٥٤ - كتاب الشروط

(1) CHAPTER. The conditions permissible on embracing Islām,[1] and in contracts and transactions.

2711, 2712. Narrated Marwān and Al-Miswar bin Makhrama رَضِيَ اللهُ عَنْهُما from the Companions of Allāh's Messenger ﷺ : When Suhail bin 'Amr agreed to the Treaty (of Ḥudaibīya), one of the things he stipulated then, was that the Prophet ﷺ should return to them (i.e., the *Al-Mushrikūn*) anyone coming to him from their side, even if he was a Muslim; and would not interfere between them and that person. The Muslims did not like this condition and got disgusted with it. Suhail did not agree except with that condition. So, the Prophet ﷺ agreed to that condition and returned Abū Jandal to his father Suhail bin 'Amr. Thenceforth the Prophet ﷺ returned everyone in that period (of truce) even if he was a Muslim. During that period some believing women emigrants including Umm Kulthūm bint 'Uqba bin Abū Mu'aiṭ who came to Allāh's Messenger ﷺ and she was a young lady then. Her relative came to the Prophet ﷺ and asked him to return her, but the Prophet ﷺ did not return her to them for Allāh had revealed the following Verse regarding women:

"...When believing women come to you as emigrants, examine them, Allāh knows best as to their Faith.. (up to).. nor are the disbelievers lawful (husbands) for them..." (V.60:10)

(١) بابُ ما يَجُوزُ مِنَ الشُّرُوطِ في الإسْلامِ والأحْكامِ والمُبايَعَةِ

٢٧١١، ٢٧١٢ - حَدَّثَنا يَحْيى بنُ بُكَيْرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ: أخْبَرَني عُرْوَةُ بنُ الزُّبَيْرِ: أنَّهُ سَمِعَ مَرْوانَ والمِسْوَرَ بنَ مَخْرَمَةَ رَضِيَ اللهُ عَنْهُما يُخْبِرَانِ عَنْ أصْحابِ رَسُولِ اللهِ ﷺ قالَ: لَمَّا كاتَبَ سُهَيْلُ بنُ عَمْرٍو يَوْمَئِذٍ كانَ فِيما اشْتَرَطَ سُهَيْلُ بنُ عَمْرٍو على النَّبِيِّ ﷺ: أنَّهُ لا يأتِيكَ مِنَّا أحَدٌ وإنْ كانَ عَلى دِينِكَ إلَّا رَدَدْتَهُ إلَيْنا وخَلَّيْتَ بَيْنَنا وبَيْنَهُ. فَكَرِهَ المُؤْمِنُونَ ذٰلكَ وامْتَعَضُوا مِنْهُ، وأبَى سُهَيْلٌ إلَّا ذٰلكَ فَكاتَبَهُ النَّبِيُّ ﷺ عَلى ذٰلكَ فَرَدَّ يَوْمَئِذٍ أبا جَنْدَلٍ إلى أبِيهِ سُهَيْلِ بنِ عَمْرٍو، ولَمْ يأتِهِ أحَدٌ مِنَ الرِّجالِ إلَّا رَدَّهُ في تِلْكَ المُدَّةِ وإنْ كانَ مُسْلِماً. وجاءَتِ المُؤْمِناتُ مُهاجِراتٍ وكانَتْ أُمُّ كُلْثُومٍ بِنْتُ عُقْبَةَ بنِ أبي مُعَيْطٍ مِمَّنْ خَرَجَ إلى رَسُولِ اللهِ ﷺ يَوْمَئِذٍ وهِيَ عاتِقٌ، فجاءَ أهْلُها يَسْألُونَ النَّبِيَّ ﷺ أنْ يَرْجِعَها إلَيهِمْ فَلَمْ يَرْجِعْها إلَيهِمْ لِما أنْزَلَ اللهُ فِيهِنَّ ﴿إِذَا جَآءَكُمُ

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(1) (Ch. 1) Some conditions are permissible, others are not; for example, a non-Muslim on embracing Islām has the right to stipulate that he shall not be ordered to move from one country to another, but he cannot stipulate that he may not perform the *Ṣalāt* (prayers). (*Fatḥ Al-Bārī*)

ﭐلْمُؤْمِنَـٰتُ مُهَـٰجِرَٰتٍ فَٱمْتَحِنُوهُنَّ ٱللَّهُ أَعْلَمُ بِإِيمَـٰنِهِنَّ﴾ إلى قَوْلِهِ: ﴿وَلَا هُمْ يَحِلُّونَ لَهُنَّ﴾ [الممتحنة: ١٠]. [راجع: ١٦٩٤، ١٦٩٥]

٢٧١٣ - قال عُرْوَةُ: فأخْبَرَتْني عائِشَةُ أنَّ رَسُولَ اللهِ ﷺ كانَ يَمْتَحِنُهُنَّ بِهٰذِهِ الآيَةِ ﴿يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ إِذَا جَآءَكُمُ ٱلْمُؤْمِنَـٰتُ مُهَـٰجِرَٰتٍ فَٱمْتَحِنُوهُنَّ﴾ إلى ﴿غَفُورٌ رَّحِيمٌ﴾ قالَ عُرْوَةُ: قالَتْ عائِشَةُ: فَمنْ أقَرَّ بِهذا الشَّرْطِ مِنْهُنَّ قالَ لَها رَسُولُ اللهِ ﷺ: «قَدْ بايَعْتُكِ»، كَلاماً يُكَلِّمُها بِهِ، واللهِ ما مَسَّتْ يَدُهُ يَدَ امْرَأةٍ قَطُّ في المُبايَعَةِ وما بايَعَهُنَّ إلَّا بِقَوْلِهِ. [انظر: ٢٧٣٣، ٤١٨٢، ٤٨٩١، ٥٢٨٨، ٧٢١٤]

2713. Narrated 'Urwa: 'Āishah told me, "Allāh's Messenger ﷺ used to examine them according to this Verse:

'O you who believe! When believing women come to you as emigrants, examine them... (upto)... Oft-Forgiving, Most Merciful.'" (V.60:10-12)

'Āishah رَضِيَ اللهُ عَنْها said, "When any of them agreed to that condition[1] Allāh's Messenger would say to her, 'I have accepted your *Bai'a* (pledge).' He would only say that, but, by Allāh he never touched the hand of any woman (i.e., never shook hands with them) while taking the *Bai'a* (pledge) and he never took their *Bai'a* (pledge) except by his words (only)."

٢٧١٤ - حَدَّثَنا أبُو نُعَيم: حدَّثَنا سُفْيانُ، عَنْ زِيادِ بنِ عِلاقَةَ قالَ: سَمِعْتُ جَرِيراً رَضِيَ اللهُ عَنْهُ يَقُولُ: بايعتُ رَسُولَ اللهِ ﷺ فاشترطَ عليَّ: «والنُّصْحِ لِكُلِّ مُسْلِمٍ». [راجع: ٥٧]

2714. Narrated Jarir رَضِيَ اللهُ عَنْهُ: When I gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ, he stipulated that I should be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (i.e. Islamic Monotheism and all that Islam has ordained) and to forbid them from *Al-Munkar* (i.e. disbelief, polytheism and all that Isam has forbidden), and to help them, to be kind and merciful to them].

(See H. 57 and its chapter)

٢٧١٥ - حَدَّثَنا مُسَدَّدٌ: حدَّثَنا يَحْيَى، عَنْ إسمَاعِيلَ قالَ: حدَّثَني

2715. Narrated Jarīr bin 'Abdullāh رَضِيَ اللهُ عَنْهُ: I gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ for *Iqāmat-aṣ-Ṣalāt*,[2] paying

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(1) (H. 2713) The condition mentioned in the Verse, i.e., that they will not associate anything in worship with Allāh, that they will not steal, that they will not commit illegal sexual intercourse, that they will not kill their children, that they will not utter slander intentionally forging falsehood (i.e., by making illegal children belonging to their husbands), and that they will not disobey you in any *Ma'rūf* (Islamic Monotheism and all that which Islam ordains).... (V.60:12).

(2) (H. 2715) *Iqamāt-aṣ-Ṣalāt*: See the glossary.

قَيْسُ ابنُ أبي حازِمٍ، عَنْ جَرِيرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: بايَعْتُ رَسُولَ اللهِ ﷺ عَلى إقامِ الصَّلاةِ وإيْتاءِ الزَّكاةِ والنُّصحِ لِكُلِّ مُسْلِمٍ. [راجع: ٥٧]

the *Zakāt* and to be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (i.e. Islamic Monotheism and all that Islam has ordained) and to forbid them from *Al-Munkar* (i.e. disbelief, polytheism and all that Isam has forbidden), and to help them, to be kind and merciful to them].

(٢) بابٌ إذَا باعَ نَخْلاً قَدْ أُبِّرَتْ

(2) CHAPTER. (What is said regarding) the sale of pollinated date-palms.

٢٧١٦ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالكٌ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ قالَ: «مَنْ باعَ نَخْلاً قَدْ أُبِّرَتْ فَثَمَرَتُها للبائعِ إلَّا أنْ يَشْتَرِطَ المُبْتاعُ». [راجع: ٢٢٠٣]

2716. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُما: Allāh's Messenger ﷺ said, "If someone sells pollinated date-palms, their fruits will be for the seller, unless the buyer stipulates the contrary."

(٣) بابُ الشُّرُوطِ في البُيُوعِ

(3) CHAPTER. The conditions of selling.

٢٧١٧ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حدَّثَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ: أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها أخْبرَتْهُ أنَّ بَرِيرَةَ جاءَتْ عائِشَةَ تَسْتَعِينُها في كِتابَتِها. ولَمْ تَكُنْ قَضَتْ مِنْ كِتابَتِها شَيْئاً، قالَتْ لَهَا عائِشَةُ: ارْجِعي إلى أهْلِكِ فإنْ أحَبُّوا أنْ أقْضِيَ عَنْكِ كِتابَتَكِ ويَكُونَ وَلاؤُكِ لي فَعَلْتُ، فَذَكَرَتْ ذٰلكَ بَرِيرَةُ إلى أهْلِها فأبَوْا. وقالُوا: إنْ شاءَتْ أنْ تَحتَسِبَ عَلَيْكِ فَلْتَفعَلْ ويَكُونَ لَنا ولاؤُكِ. فَذَكَرَتْ ذٰلكَ لِرَسُولِ اللهِ ﷺ فَقالَ لَهَا: «ابْتاعِي فأعْتِقِي فإنَّما الوَلاءُ لِمَنْ أعْتَقَ». [راجع: ٤٥٦]

2717. Narrated 'Urwa: 'Āishah رَضِيَ اللهُ عَنْهَا told me that Barīra came to seek her help in writing for emancipation and at that time she had not paid any part of her price. 'Āishah said to her, "Go to your masters and if they agree that I will pay your price (and free you) on condition that your *Walā'* will be for me, I will pay the money." Barira told her masters about that, but they refused, and said, "If 'Āishah wants to do a favour she could, but your *Walā'* will be for us."

'Āishah informed Allāh's Messenger ﷺ of that and he ﷺ said to her, "Buy and manumit Barīra as the *Walā'* will go to the manumitter."

(4) CHAPTER. It is permissible for the seller to stipulate that he should ride the (sold) animal up to a certain place.

2718. Narrated Jābir رَضِيَ اللهُ عَنْهُ: While I was riding a (slow) and tired camel, the Prophet ﷺ passed by and beat it and prayed for Allāh's Blessings for it. The camel became so fast as it had never been before. The Prophet ﷺ then said, "Sell it to me for one *Uqīya* (of gold)." I said, "No." He again said, "Sell it to me for one *Uqīya* (of gold)." So I sold it and stipulated that I should ride it to my house. When we reached (Al-Madīna) I took that camel to the Prophet ﷺ and he gave me its price. I returned home but he sent for me (and when I went to him) he said, "I was not going to take your camel. So, take your camel as a gift for you."

(Various narrations are mentioned here with slight variations in expressions relating the condition that Jābir had the right to ride the sold camel up to Al-Madīna).

(٤) بابٌ إذا اشْتَرَطَ البائِعُ ظَهْرَ الدَّابَّةِ إلى مَكانٍ مُسَمًّى جازَ

٢٧١٨ - **حَدَّثَنَا** أبو نُعَيم: حدَّثنا زَكَرِيَّا قالَ: سَمِعْتُ عامِراً يَقُولُ: حدَّثني جابِرٌ رَضِيَ اللهُ عَنْهُ: أنَّهُ كانَ يَسِيرُ عَلى جَمَلٍ لَهُ قَدْ أعْيا فَمَرَّ النَّبِيُّ ﷺ فَضَرَبَهُ فَدَعا لَهُ فَسارَ سيراً لَيْس يَسِيرُ مِثْلَهُ. ثُمَّ قالَ: «بِعْنِيهِ بأوقِيَةٍ» قُلْتُ: لَا ثُمَّ قالَ: «بِعْنِيهِ بأوقِيَةٍ» فَبِعْتُهُ فاسْتَثْنَيْتُ حُمْلانَهُ إلىٰ أهْلِي. فَلَمَّا قَدِمْنا أتَيْتُه بالجَمَلِ ونَقَدَني ثَمَنَهُ ثُمَّ انْصَرَفْتُ فأرْسَلَ عَلى أَثَري قالَ: «ما كُنْتُ لآخُذَ جَمَلَكَ فَخُذْ جَمَلَكَ ذٰلكَ فَهُوَ مالُكَ». [راجع: ٤٤٣]

قالَ شُعْبَةُ، عَنْ مُغِيرَةَ، عَنْ عامِرٍ، عَنْ جابِرٍ: أفْقَرَني رَسُولُ اللهِ ﷺ ظَهْرَهُ إلىٰ المَدِينَةِ. وقالَ إسحَاقُ عَنْ جَرِيرٍ، عَنْ مُغِيرَةَ: فَبِعْتُهُ عَلى أنَّ لي فقارَ ظَهْرِهِ حتَّى أبْلُغَ المَدِينَةَ. وقالَ عَطاءٌ وغَيرُهُ: «وَلكَ ظَهْرُهُ إلى المَدِينَةِ». وقالَ مُحَمَّدُ ابنُ المُنْكَدِرِ، عَنْ جابِرٍ: شَرَطَ ظَهْرَهُ إلى المَدِينَةِ. وقالَ زَيْدُ بنُ أسْلَمَ، عَنْ جابِرٍ: «ولكَ ظَهْرُهُ حتَّى تَرجِعَ». وقالَ أبو الزُّبَيرِ، عَنْ جابِرٍ: «أفْقَرْناكَ ظَهْرَهُ إلى المَدِينَةِ». وقالَ الأعْمَشُ، عَنْ سالِمٍ، عَنْ جابِرٍ: «تَبلَّغْ بِهِ إلى أهْلِكَ». قال أبو عَبْدِ اللهِ: الاشتراط

أكثر وأصحُّ عندي. وقالَ عُبَيْدُ اللهِ وابنُ إسحَاقَ، عَنْ وَهْبٍ، عَنْ جابرٍ: اشْتَرَاهُ النَّبيُّ ﷺ بأوقِيَّةٍ. وتابَعَهُ زَيْدُ بنُ أسْلَمَ، عَنْ جابرٍ. وقالَ ابنُ جُرَيْجٍ، عَنْ عَطاءٍ وغَيرِهِ، عَنْ جابرٍ: أخَذْتُهُ بأرْبَعَةِ دَنانِيْرَ، وهذَا يَكُونُ أوقِيَّةً عَلى حِسابِ الدِّينارِ بعَشَرَةِ دراهِمَ. ولَمْ يُبَيِّنِ الثَّمَنَ مُغِيرَةُ، عَنِ الشَّعْبيِّ، عَنْ جابرٍ. وابنُ المُنْكَدِرِ وأبُو الزُّبَيرِ عَنْ جابرٍ. وقالَ الأعْمَشُ، عَنْ سالمٍ، عَنْ جابرٍ: أوقِيَّةُ ذَهَبٍ. وقالَ أبُو إسحَاقَ، عَنْ سالِمٍ، عَنْ جابرٍ: بمِائَتَيْ دِرْهَمٍ. وقالَ داوُدُ بنُ قَيْسٍ، عَنْ عُبَيْدِ اللهِ بنِ مِقْسَمٍ، عَنْ جابرٍ: اشْتَرَاهُ بطَرِيقِ تَبوكَ، أحْسِبُهُ قالَ: بأرْبَعِ أوَاقٍ. وقالَ أبُو نَضْرَةَ: عَنْ جابرٍ: اشْتَرَاهُ بعِشْرِينَ دِيناراً. وقَوْلُ الشَّعْبيِّ: بأوقِيَّةٍ أكْثَرُ؛ الاشْتِرَاطُ أكْثَرُ وأصَحُّ عِنْدِي، قالَهُ أبُو عَبْدِ اللهِ.

(5) CHAPTER. Conditions in contracts (of share-cropping etc.).

(٥) بابُ الشُّرُوطِ في المُعَامَلَةِ

2719. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The *Anṣār* said to the Prophet ﷺ, "Divide our date-palms between us and our emigrant brothers." The Prophet ﷺ said, "No." The *Anṣār* said to the emigrants, "You may do the labour (in our gardens) and we will share the fruits with you." The emigrants said, "We hear and obey."

٢٧١٩ - حَدَّثَنَا أبُو اليَمَانِ: أخْبرَنا شُعَيْبٌ: حدَّثَنا أبُو الزِّنادِ، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَتِ الأنْصَارُ للنَّبيِّ ﷺ: اقْسِمْ بَيْنَنا وبَينَ إخْوَانِنا النَّخِيلَ قالَ: «لا»، فقال الأنْصارُ: «تكْفُونَنَا المُؤنَةَ

ونُشْرِكُكُمْ في الثَّمَرَةِ»، قالُوا: سَمِعْنا وأَطَعْنا. [راجع: ٢٣٢٥]

2720. Narrated 'Abdullāh bin 'Umar رَضِيَ الله عَنْهُما: Allāh's Messenger ﷺ gave the land of Khaibar to the Jews on the condition that they would work on it and cultivate it and they would get half of its yield.

٢٧٢٠ - حَدَّثَنا مُوسَى بنُ إسماعيلَ: حدَّثنا جُوَيْرِيَةُ بنُ أسماءَ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: أَعْطَى رَسُولُ اللهِ ﷺ خَيْبَرَ اليَهُودَ أنْ يَعْمَلُوها ويَزْرَعُوها ولهُمْ شَطْرُ ما يَخْرُجُ مِنْها. [راجع: ٢٢٨٥]

(6) CHAPTER. The terms and the conditions of *Mahr* at the time of the marriage contract.

(٦) **بابُ الشُّرُوطِ في المَهْرِ عِنْدَ عُقْدَةِ النكاح**

'Umar said, "The rights are limited by the conditions, and you will get only what you stipulate."

Narrated Al-Miswar, "I heard the Prophet ﷺ once mentioning his son-in-law and praising him highly as a sincere son-in-law. He said, 'Whenever he talked to me, he spoke the truth and whenever he promised me, he fulfilled his promise.'"

وقالَ عُمَرُ: إنَّ مَقاطِعَ الحقُوقِ عِنْدَ الشُّرُوطِ، ولكَ ما شَرَطْتَ.

وقالَ المِسْوَرُ: سَمِعْتُ النَّبِيَّ ﷺ ذَكَرَ صِهْراً لَهُ فأثْنى عَلَيْهِ في مُصاهَرَتِهِ فأحْسَنَ، قالَ: حدَّثَني فَصَدَقَني ووَعَدَني فَوَفى لي.

2721. Narrated 'Uqba bin 'Āmir رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ said, "From among all the conditions which you have to fulfill, the conditions which make it legal for you to have sexual relations (i.e., the marriage contract) have the greatest right to be fulfilled."

٢٧٢١ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ قالَ: حدَّثَني يَزِيدُ بنُ أبي حَبِيبٍ، عَنْ أبي الخيرِ، عَنْ عُقْبَةَ بنِ عامِرٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «أَحَقُّ الشُّرُوطِ أنْ تُوفُوا بِهِ ما اسْتَحلَلْتُمْ بهِ الفُرُوجَ». [انظر: ٥١٥١]

(7) CHAPTER. The conditions in share-cropping.

(٧) **بابُ الشُّرُوطِ في المُزَارَعَةِ**

2722. Narrated Rāfi' bin Khadij رَضِيَ الله عَنْهُ: We used to work in the fields more than the other *Anṣār*, and we used to rent the land (for the yield of a specific portion of it). But sometimes that portion or the rest of the land

٢٧٢٢ - حَدَّثَنا مالكُ بنُ إسْمَاعِيلَ: حدَّثَنا ابنُ عُيَيْنَةَ: حدَّثَنا يَحْيى بنُ سَعِيدٍ قالَ: سَمِعْتُ حَنْظلة

الزُّرَقِيِّ قالَ: سَمِعْتُ رَافِعَ بنَ خَدِيجٍ رَضِيَ اللهُ عَنْهُ يَقُولُ: كُنَّا أَكْثَرَ الأَنْصَارِ حَقْلاً فَكُنَّا نُكْرِي الأَرْضَ، فَرُبَّما أَخْرَجَتْ هذِهِ ولَمْ تُخرِجْ ذِهِ، فَنُهِينا عَنْ ذٰلكَ ولَمْ نُنْهَ عَنِ الوَرِقِ. [راجع: ٢٢٨٦]

did not give any yield, so we were forbidden (by the Prophet ﷺ) to follow such a system, but we were allowed to rent the land for money.

(٨) بابُ ما لا يَجُوزُ مِنَ الشُّرُوطِ في النِّكاحِ

(8) CHAPTER. The conditions which are not permissible in the contracts of marriage.

٢٧٢٣ - حَدَّثَنَا مُسَدَّدٌ: حدَّثَنا يَزِيدُ ابنُ زُرَيْعٍ: حدَّثَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «لا يَبِيعُ حاضِرٌ لِبادٍ، ولا تَناجَشُوا ولا يَزِيدَنَّ عَلى بَيْعِ أَخِيهِ، ولا يَخْطُبَنَّ عَلى خِطْبَتِهِ، ولا تَسْأَلِ المَرْأَةُ طَلاقَ أُخْتِهَا لِتَسْتَكْفِئَ إناءَها». [راجع: ٢١٤٠]

2723. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "No town-dweller should sell for a bedouin. Do not practise *Najsh* (i.e., do not offer a high price for a thing which you do not want to buy, in order to deceive the people). No Muslim should offer more for a thing already bought by his Muslim brother, nor should he demand the hand of a girl already engaged to another Muslim. A Muslim woman shall not try to bring about the divorce of her sister (i.e., another Muslim woman) in order to take her place herself."

(٩) بابُ الشُّرُوطِ التي لا تَحِلُّ في الحُدُودِ

(9) CHAPTER. The conditions which are not permissible in the legal punishments prescribed by Allāh.

٢٧٢٤، ٢٧٢٥ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا لَيْثٌ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ ابنِ عَبْدِ اللهِ بنِ عُتْبَةَ بنِ مَسْعُودٍ، عَنْ أَبي هُرَيْرَةَ وزَيْدِ بنِ خالِدٍ الجُهَنِيِّ رَضِيَ اللهُ عَنْهُما أَنَّهُما قالا: إنَّ رَجُلاً مِنَ الأَعْرَابِ أَتَى رَسُولَ اللهِ ﷺ فَقالَ: يا رَسُولَ اللهِ، أَنْشُدُكَ اللهَ أَلَّا قَضَيْتَ لي بِكِتابِ اللهِ. فَقالَ الخَصْمُ الآخَرُ وهُوَ أَفْقَهُ مِنْهُ: نَعَمْ،

2724, 2725. Narrated Abū Hurairah and Zaid bin Khālid Al-Juhanī رَضِيَ الله عَنْهُما: A bedouin came to Allāh's Messenger ﷺ and said, "O Allāh's Messenger! I ask you by Allāh to judge my case according to Allāh's Laws." His opponent, who was more learned than he, said, "Yes, judge between us according to Allāh's Laws, and allow me to speak." Allāh's Messenger ﷺ said, "Speak." He (i.e., the bedouin or the other man) said, "My son was working as a labourer for this (man) and he committed illegal sexual intercourse with his wife. The people told me that it was obligatory that my son should

be stoned to death. So, in lieu of that I ransomed my son by paying one hundred sheep and a slave-girl. Then I asked the religious scholars about it, and they informed me that my son must be lashed one hundred lashes, and be exiled for one year, and the wife of this (man) must be stoned to death." Allāh's Messenger ﷺ said, "By Him in Whose Hands my soul is, I will judge between you according to Allāh's Laws. The slave-girl and the sheep are to be returned to you, your son is to receive a hundred lashes and be exiled for one year. You, O Unais, go to the wife of this (man) and if she confesses her guilt, stone her to death." Unais went to that woman next morning and she confessed. Allāh's Messenger ﷺ ordered that she be stoned to death.

فاقْضِ بَيْنَنا بِكِتابِ اللهِ وائْذَنْ لِي، فَقالَ رَسُولُ اللهِ ﷺ: «قُلْ»، قالَ: إنَّ ابْنِي كانَ عَسِيفاً عَلى هذا فَزَنى بامْرَأتِهِ وإنِّي أُخْبِرْتُ أنَّ عَلى ابْنِي الرَّجْمَ فافْتَدَيْتُ مِنْهُ بِمائَةِ شاةٍ ووَلِيدَةٍ، فَسَأَلْتُ أهْلَ العِلْمِ فأخْبرُونِي أنَّما عَلى ابْنِي مِائَةُ جَلْدَةٍ وتَغْرِيبُ عامٍ، وأنَّ عَلى امْرَأةِ هذا الرَّجْمَ، فقالَ رَسُولُ اللهِ ﷺ: «والَّذِي نَفْسِي بِيَدِهِ لأقْضِيَنَّ بَيْنَكُما بِكِتابِ اللهِ، الوَلِيْدَةُ والغَنَمُ رَدٌّ عَلَيكَ، وعَلى ابْنِكَ جَلْدُ مائَةٍ وتَغْرِيبُ عامٍ. اغْدُ يا أُنَيْسُ إلى امْرَأةِ هذا فإنِ اعْتَرَفَتْ فارْجُمْها». قالَ: فَغَدَا عَلَيْها فاعْتَرَفَتْ فأمَرَ بِها رَسُولُ اللهِ ﷺ فَرُجِمَتْ.

[راجع: ٢٣١٤، ٢٣١٥]

(10) CHAPTER. The conditions permissible in the case of a slave who has a writing for emancipation, if he agrees to be sold to somebody else who promises to free him.

(١٠) بابُ ما يَجُوزُ مِنْ شُرُوطِ المُكاتَبِ إذَا رَضِيَ بالبَيْعِ عَلى أنْ يُعْتَقَ

2726. Narrated Aiman Al-Makkī: When I visited 'Āishah رَضِيَ اللهُ عَنها, she said, "Barīra who had a written contract for her emancipation for a certain amount came to me and said, 'O Mother of the believers! Buy me and manumit me, as my masters will sell me.' 'Āishah agreed to it. Barīra said, 'My masters will sell me on the condition that my *Walā'*(1) will go to them.' 'Āishah said to her, 'Then I am not in need of you.' The Prophet ﷺ heard of that, or was told about it and so he asked 'Āishah, 'What is the problem of

٢٧٢٦ - حَدَّثَنا خَلَّادُ بنُ يَحْيى: حدَّثَنا عَبْدُ الوَاحِدِ بنُ أيمَنَ المَكِّيُّ، عَنْ أبِيهِ قالَ: دَخَلْتُ عَلى عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: دَخَلَتْ عَلَيَّ بَرِيرَةُ وهِيَ مُكاتَبَةٌ فَقالَتْ: يا أُمَّ المُؤْمِنِيْنَ اشْتَرِينِي فإنَّ أهْلِي يَبِيعُونَنِي فأعْتِقِيْنِي، قالَتْ: نَعَمْ. قالَتْ: إنَّ أهْلِي لا يَبِيعُونَنِي حَتَّى يَشْتَرِطُوا

(1) (H. 2726) *Walā'*: See the glossary.

Barīra?' He said, 'Buy her and manumit her, no matter what they stipulate.' 'Āishah added, 'I bought and manumitted her, though her masters had stipulated that her *Walā'* would be for them.' The Prophet ﷺ said, 'The *Walā'* is for the liberator, even if the other stipulated a hundred conditions.'"

ولائي، قالَتْ: لا حاجَةَ لي فِيكِ. فَسَمِعَ ذٰلكَ النَّبيُّ ﷺ أوْ بَلَغَهُ، فَقالَ: «ما شأنُ بَريرَةَ؟» فَقالَ: «اشْتريها فأعْتِقيها، ولْيَشْتَرِطُوا ما شاؤُوا. قالَتْ: فاشْتَرَيْتُها فأعتَقْتُها، واشْتَرَطَ أهْلُها ولاءها. فَقالَ النَّبيُّ ﷺ: «الوَلاءُ لِمَنْ أعْتَقَ وإنِ اشْتَرَطُوا مائَةَ شَرْطٍ». [راجع: ٤٥٦]

(11) CHAPTER. Conditions concerning divorce.

(١١) بابُ الشُّرُوطِ في الطَّلاقِ

وقالَ ابنُ المُسَيَّبِ والحَسَنُ وعَطاءٌ: إنْ بَدَأ بالطَّلاقِ أوْ أخَّرَ فَهُوَ أحَقُّ بِشَرْطِهِ.

2727. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ forbade:

(i) The meeting of the caravan (of goods) on the way,

(ii) That a residing person sells goods of a bedouin,

(iii) That a woman stipulates the divorce of the wife of the would be husband,

(iv) That a man tries to cause the cancellation of a bargain concluded by another. He also forbade *An-Najsh* and that one withholds the milk in the udder of an animal so that he may deceive people on selling it.

[See *Hadīth* 2656]

٢٧٢٧ - حَدَّثَنا مُحَمَّدُ بنُ عَرْعَرَةَ: حدَّثَنا شُعْبَةُ، عَنْ عَدِيِّ بنِ ثابِتٍ، عَنْ أبي حازِمٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى رَسُولُ اللهِ ﷺ عَنِ التَّلَقِّي، وأنْ يَبْتاعَ المُهاجِرُ لِلأعْرَابيِّ، وأنْ تَشْتَرِطَ المَرْأةُ طَلاقَ أُخْتِها، وأنْ يَسْتامَ الرَّجُلُ عَلى سَوْمِ أخِيهِ، ونَهَى عَنِ النَّجْشِ، وعَنِ التَّصْرِيَةِ». تابَعَهُ مُعاذٌ وعَبْدُ الصَّمَدِ عَنْ شُعْبَةَ. وقالَ غُنْدَرٌ وعَبْدُ الرَّحْمٰنِ: نُهِيَ. وقالَ آدَمُ: نُهِينا. وقالَ النَّضْرُ وحَجَّاجُ بنُ مِنْهالٍ: نَهَى. [راجع: ٢١٤٠]

(12) CHAPTER. Verbal conditions with the people.

(١٢) بابُ الشُّرُوطِ مَعَ النَّاسِ بالقَوْلِ

2728. Narrated Ubaī bin Ka'b رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Mūsa (Moses عليه

٢٧٢٨ - حَدَّثَنا إبْراهِيمُ بنُ

(السلام) the Messenger of Allāh," and then he narrated the whole story about him. Al-Khidr said to Mūsa, "Did I not tell you that you would not be able to have patience with me." (V.18:72). Mūsa then violated the agreement for the first time because of forgetfulness, then Moses promised that if he asked Al-Khidr about anything, the latter would have the right to desert him. Mūsa abided by that condition and on the third occasion he intentionally asked Al-Khidr and caused that condition to be applied. The three occasions referred to above are referred to by the following Verses:

'...Call me not to account for what I forgot, and be not hard upon me for my affair (with you).' (V.18:73)

'...Till they met a boy and he (Al-Khidr) killed him...'

'Then they both proceeded ... found therein a wall about to collapse and he (Al-Khidr) set it up straight...' "[1] (V.18:77)

مُوسَى: أَخْبَرَنا هِشامٌ: أَنَّ ابنَ جُرَيْجٍ أَخْبَرَهُ قالَ: أَخْبَرَني يَعْلَى بنُ مُسْلِمٍ، وعَمْرُو بنُ دِينارٍ، عَنْ سَعِيدِ بنِ جُبَيرٍ، يَزِيدُ أَحَدُهما عَلى صاحِبِهِ، وغَيرُهما: قَدْ سَمِعْتُهُ يُحَدِّثُهُ عَنْ سَعِيدِ بنِ جُبَيرٍ قالَ: إنَّا لَعِنْدَ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: حَدَّثَني أُبَيُّ بنُ كَعْبٍ قالَ: قالَ رَسُولُ اللهِ ﷺ: «مُوسَى رَسُولُ اللهِ»، فَذَكَرَ الحَدِيثَ. قالَ: ﴿أَلَمْ أَقُلْ إِنَّكَ لَن تَسْتَطِيعَ مَعِيَ صَبْرًا﴾ [الكهف: ٧٢] كانَتِ الأُولى نِسْياناً، والوُسْطَى شَرْطاً، والثَّالِثَةُ عَمْداً، ﴿قَالَ لَا تُؤَاخِذْنِي بِمَا نَسِيتُ وَلَا تُرْهِقْنِي مِنْ أَمْرِي عُسْرًا ﴿٧٣﴾﴾ [الكهف: ٧٣]، ﴿لَقِيَا غُلَامًا فَقَتَلَهُۥ﴾ ﴿فَانطَلَقَا حَتَّىٰٓ إِذَآ أَتَيَآ أَهْلَ قَرْيَةٍ اسْتَطْعَمَآ أَهْلَهَا فَأَبَوْا أَن يُضَيِّفُوهُمَا فَوَجَدَا فِيهَا جِدَارًا يُرِيدُ أَن يَنقَضَّ فَأَقَامَهُۥ﴾ [الكهف: ٧٧] قَرَأَها ابنُ عَبَّاسٍ (أَمامَهُمْ مَلِكٌ).

[راجع: ٧٤]

(13) CHAPTER. Conditions for *Walā'*.

(١٣) بابُ الشُّرُوطِ في الوَلاءِ

2729. Narrated 'Urwa: 'Āishah رَضِيَ اللهُ عَنها said, "Barīra came to me and said, 'My people (masters) have written the contract for my emancipation for nine *Awaq* (of gold) to be paid in yearly installments, one *Uqīya* per year; so help me.' " 'Āishah said (to her),

٢٧٢٩ - حَدَّثَنا إسماعِيلُ: حَدَّثَنا مالِكٌ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عائِشَةَ قالَتْ: جاءَتْني بَرِيرَةُ فَقالَتْ: كاتَبْتُ أَهْلي عَلى تِسْعِ أَواقٍ

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(1) (H. 2728) In the second case Moses abided by the condition though there was no written agreement or witnesses. So when Khidr said to him, "This is the parting between me and you. 'Moses accepted his decision because it agreed with the condition he himself had set up.

"If your masters agree, I will pay them the whole sum provided the *Walā'* will be for me." Barīra went to her masters and told them about it, but they refused the offer and she returned from them while Allāh's Messenger ﷺ was sitting. She said, "I presented the offer to them, but they refused unless the *Walā'* would be for them." When the Prophet ﷺ heard that and 'Āishah told him about it, he said to her, "Buy Barīra and let them stipulate that her *Walā'* will be for them, as the *Walā'* is for the manumitter." 'Āishah did so. After that Allāh's Messenger got up amidst the people, glorified and praised Allāh and said, "What is wrong with some people who stipulate things which are not in Allāh's Laws? Any condition which is not in Allāh's Laws is invalid even if there were a hundred such conditions. Allāh's Rules are the most valid and Allāh's Conditions are the most solid. The *Walā'* is for the manumitter."

فِي كُلِّ عامٍ أوقِيَّةٌ فأعِينِيني، فَقالَتْ: إنْ أحَبُّوا أنْ أعُدَّها لَهُمْ ويَكُونَ ولاؤُكِ لِي فَعَلْتُ، فَذَهَبَتْ بَرِيرَةُ إلى أهْلِها فَقالَتْ لَهُمْ فأبَوْا عَلَيْها. فجاءَتْ مِنْ عِنْدِهِمْ ورَسُولُ اللهِ ﷺ جالِسٌ فَقالَتْ: إنِّي قَدْ عَرَضْتُ ذٰلِكَ عَلَيهِمْ فأبَوْا إلَّا أنْ يَكُونَ الوَلاءُ لَهُمْ، فَسَمِعَ النَّبِيُّ ﷺ فأخْبَرَتْ عائِشَةُ النَّبِيَّ ﷺ فَقالَ: «خُذِيها واشْتَرِطِي لَهُمُ الوَلاءَ، فإنَّما الوَلاءُ لِمَنْ أعْتَقَ». فَفَعَلَتْ عائِشَةُ، ثُمَّ قامَ رَسُولُ اللهِ ﷺ في النَّاسِ فَحَمِدَ اللهَ وأثْنَى عَلَيْهِ ثُمَّ قالَ: «ما بالُ رِجالٍ يَشْتَرِطُونَ شُرُوطاً لَيْسَتْ في كِتابِ اللهِ، ما كانَ مِنْ شَرْطٍ لَيْسَ في كِتابِ اللهِ فَهُوَ باطِلٌ، وإنْ كانَ مائَةَ شَرْطٍ، قَضاءُ اللهِ أحَقُّ وشَرْطُ اللهِ أوْثَقُ، وإنَّما الوَلاءُ لِمَنْ أعْتَقَ». [راجع: ٤٥٦]

(14) CHAPTER. If the landlord stipulates in the contract of share-cropping that he would terminate the contract whenever he likes.

(١٤) بابٌ إذا اشْتَرَطَ في المُزَارَعَةِ: إذا شِئْتُ أخْرَجْتُكَ

2730. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا: When the people of Khaibar dislocated 'Abdullāh bin 'Umar's hands and feet, Umar got up delivering a *Khutba* (religious talk) saying, "No doubt, Allāh's Messenger ﷺ made a contract with the Jews concerning their properties, and said to them, 'We allow you (to stand in your land) as long as Allāh allows you.' Now 'Abdullāh bin 'Umar went to his land and was attacked at night, and his hands and feet were dislocated, and as we have no enemies there except those Jews,

٢٧٣٠ - حَدَّثَنا أبُو أحْمَدَ: حدَّثَنا مُحَمَّدُ بنُ يَحْيَى أبُو غَسَّانَ الكِنانِيُّ: أخْبَرَنا مالِكٌ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: لَمَّا فَدَعَ أهْلُ خَيْبَرَ عَبْدَ اللهِ بنَ عُمَرَ قامَ عُمَرُ خَطِيباً فَقالَ: إنَّ رَسُولَ اللهِ ﷺ كانَ عامَلَ يَهُودَ خَيْبَرَ عَلى أمْوالِهِمْ وقالَ: «نُقِرُّكُمْ ما أقَرَّكُمُ

they are our enemies and the only people whom we suspect, I have made up my mind to exile them." When 'Umar decided to carry out his decision, one of Abū Al-Ḥuqīq's sons came and addressed 'Umar, "O chief of the believers, will you exile us although Muḥammad (ﷺ) allowed us to stay at our places, and made a contract with us about our properties, and accepted the condition of our residence in our land?" 'Umar said, "Do you think that I have forgotten the statement of Allāh's Messenger ﷺ, i.e.: What will your condition be when you are expelled from Khaibar and your camel will be carrying you night after night?" The Jew replied, "That was a joke from Abul-Qāsim." 'Umar said, "O the enemy of Allāh! You are telling a lie." 'Umar then drove them out and paid them the price of their properties in the form of fruits, money, camel saddles and ropes, etc."

اللهُ»، وإنَّ عَبْدَ اللهِ بنَ عُمَرَ خَرَجَ إلى مالِهِ هُناكَ فَعُدِيَ عَلَيْهِ مِنَ اللَّيْلِ فَفُدِعَتْ يَدَاهُ ورِجْلاهُ ولَيْسَ لَنا هُناكَ عَدُوٌّ غَيرُهُمْ هُمْ عَدُوُّنا وتُهْمَتُنا، وقَد رَأَيْتُ إجْلاءَهُمْ. فَلَمَّا أجْمَعَ عُمَرُ عَلى ذٰلِكَ أتاهُ أحَدُ بَنِي أبي الحُقَيقِ فَقالَ: يا أميرَ المُؤْمِنِينَ، أتُخْرِجُنا وقَدْ أقَرَّنا مُحَمَّدٌ ﷺ وعامَلَنا عَلى الأمْوَالِ وشَرَطَ ذٰلِكَ لَنا؟ فَقالَ عُمَرُ: أظَنَنْتَ أنِّي نَسِيتُ قَوْلَ رَسُولِ اللهِ ﷺ: «كَيْفَ بِكَ إذَا أُخْرِجْتَ مِنْ خَيْبَرَ تَعْدُو بِكَ قَلوصُكَ لَيْلَةً بَعْدَ لَيْلَةٍ؟» فَقالَ: كَانَ ذٰلِكَ هُزَيْلَةً مِنْ أبي القاسِمِ، فَقالَ: كَذَبْتَ يا عَدُوَّ اللهِ، فأجْلاهُمْ عُمَرُ وأعْطاهُمْ قِيمَةَ ما كانَ لَهُمْ مِنَ الثَّمَرِ مالاً وإبِلاً وعُرُوضاً مِنَ أقْتابٍ وحِبالٍ وغَيْرِ ذٰلِكَ. رَواهُ حَمَّادُ بنُ سَلَمَةَ، عَنْ عُبَيْدِ اللهِ، أحْسِبُهُ عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ، عَنْ عُمَرَ عَنِ النَّبِيِّ ﷺ اخْتَصَرَهُ.

(15) CHAPTER. The conditions of *Jihād* and peace treaties with (non-Muslim) warriors, and the writing of the conditions.

(١٥) بابُ الشُّرُوطِ في الجِهادِ والمُصالَحَةِ مَعَ أهْلِ الحَرْبِ وكِتابَةِ الشُّرُوطِ

2731, 2732. Narrated Al-Miswar bin Makhrama and Marwān whose narrations attest each other: Allāh's Messenger ﷺ set out at the time of *Al-Ḥudaibīya* (treaty), and when they proceeded for a distance, he said, "Khālid bin Al-Walīd leading the cavalry of Quraish constituting the front of the army, is at a place called Al-Ghamīm, so take the way

٢٧٣١، ٢٧٣٢ - حدَّثَني عَبْدُ اللهِ ابنُ مُحَمَّدٍ: حدَّثَنا عَبْدُ الرَّزَّاقِ: أخْبَرَنا مَعْمَرٌ قالَ: أخْبَرَني الزُّهْرِيُّ قالَ: أخْبَرَني عُرْوَةُ بنُ الزُّبَيرِ، عَنِ المِسْوَرِ بنِ مَخْرَمَةَ ومَرْوَانَ، يُصَدِّقُ

on the right." By Allāh, Khālid did not perceive the arrival of the Muslims till the dust arising from the march of the Muslim army reached him, and then he turned back hurriedly to inform Quraish. The Prophet ﷺ went on advancing till he reached the *Thanīya* (i.e., a mountainous way) through which one would go to them (i.e., people of Quraish). The she-camel of the Prophet ﷺ sat down. The people tried their best to cause the she-camel to get up but in vain, so they said, Al-Qaṣwā' (i.e., the she-camel's name) has become stubborn! Al-Qaṣwā' has become stubborn!" The Prophet ﷺ said, "Al-Qaṣwā' has not become stubborn, for stubbornness is not her habit, but she was stopped by Him Who stopped the elephant." Then he said, "By the Name of Him in Whose Hands my soul is, if they (i.e., the Quraish infidels) ask me anything which will respect the Ordinances of Allāh, I will grant it to them." The Prophet ﷺ then rebuked the she-camel and she got up. The Prophet ﷺ changed his way till he dismounted at the farthest end of Al-Ḥudaibīya at a pit (i.e., well) containing a little water which the people used in small amounts, and in a short while the people used up all its water and complained to Allāh's Messenger ﷺ of thirst. The Prophet ﷺ took an arrow out of his arrow-case and ordered them to put the arrow in that pit. By Allāh, the water started and continued sprouting out till all the people quenched their thirst and returned with satisfaction. While they were still in that state, Budail bin Warqa Al-Khuzā'i came with some persons from his tribe Khuza'a and they were the advisers of Allāh's Messenger ﷺ who would keep no secret from him and were from the people of Tihāma. Budail said, "I left Ka'b bin Lu'aī and 'Āmir bin Lu'aī residing at the profuse water of Al-

كُلُّ واحِدٍ مِنْهُما حَدِيثَ صَاحِبِهِ قالا: خَرَجَ رَسُولُ اللهِ ﷺ زَمَنَ الحُدَيْبِيَةِ حَتَّى إذَا كانُوا بِبَعْضِ الطَّرِيقِ قالَ النَّبِيُّ ﷺ: «إنَّ خالِدَ بنَ الوَلِيدِ بالغَمِيمِ في خَيْلٍ لِقُرَيْشٍ طَلِيعَةً فَخُذُوا ذَاتَ اليَمِيْنِ»، فَوَاللهِ ما شَعَرَ بِهِمْ خالِدٌ حَتَّى إذَا هُمْ بِقَتَرَةِ الجَيْشِ فانْطَلَقَ يَرْكُضُ نَذِيراً لِقُرَيْشٍ، وسارَ النَّبِيُّ ﷺ حَتَّى إذَا كانَ بالثَّنِيَّةِ التي يُهْبَطُ عَلَيهِمْ مِنها بَرَكَتْ بِهِ رَاحِلَتُهُ. فَقالَ النَّاسُ: حَلْ حَلْ، فألَحَّتْ فَقالُوا: خَلأَتِ القَصْوَاءُ، خَلأَتِ القَصْوَاءُ. فَقالَ النَّبِيُّ ﷺ: «ما خَلأَتِ القَصْوَاءُ، وما ذَاكَ لَها بِخُلُقٍ ولكِنْ حَبَسَها حابِسُ الفِيلِ»، ثُمَّ قالَ: «والذِي نَفْسِي بِيَدِهِ لا يَسْألُونَنِي خُطَّةً يُعَظِّمُونَ فِيها حُرُماتِ اللهِ إلَّا أعْطَيْتُهُمْ إيَّاها». ثُمَّ زجَرَها فَوَثَبَتْ، قالَ: فَعَدَلَ عَنْهُمْ حَتَّى نَزَلَ بأقْصَى الحُدَيْبِيَةِ عَلى ثَمدٍ قَلِيلِ المَاءِ يَتَبرَّضُهُ النَّاسُ تَبرُّضاً، فَلَمْ يُلَبِّثْهُ النَّاسُ حَتَّى نَزَحُوهُ وشُكِيَ إلى رَسُولِ اللهِ ﷺ العَطَشُ. فانْتَزَعَ سَهْماً مِنْ كِنانَتِهِ ثُمَّ أمَرَهُمْ أنْ يَجْعَلُوه فيهِ، فَوَاللهِ ما زَالَ يَجِيشُ لَهُمْ بالرِّيِّ حَتَّى صَدَرُوا عَنْهُ فَبَيْنَما هُمْ كذلِكَ إذْ جاءَ بُدَيْلُ بنُ وَرْقاءَ الخُزَاعِيُّ في نَفرٍ مِنْ قَوْمِهِ مِنْ خُزَاعَةَ وكانُوا عَيْبَةَ نُصْحِ رَسُولِ اللهِ

Hudaibīya and they had milch camels (or their women and children) with them, and will wage war against you, and will prevent you from visiting the Ka'bah." Allāh's Messenger ﷺ said, "We have not come to fight anyone, but to perform the *'Umra*. No doubt, the war has weakened Quraish and they have suffered great losses, so if they wish, I will conclude a truce with them, during which they should refrain from interfering between me and the people (i.e., the Arab infidels other than Quraish), and if I have victory over those infidels, Quraish will have the option to embrace Islām as the other people do, if they wish; they will at least get strong enough to fight. But if they do not accept the truce, by Allāh in Whose Hands my soul is, I will fight with them defending my Cause till I get killed, but (I am sure) Allāh will definitely make His Cause victorious." Budail said, "I will inform them of what you have said." So, he set off till he reached Quraish and said, "We have come from that man (i.e., Muḥammad ﷺ) whom we heard saying something which we will disclose to you if you should like." Some of the fools among Quraish shouted that they were not in need of this information, but the wiser among them said, "Relate what you heard him saying." Budail said, "I heard him saying so and so," relating what the Prophet ﷺ had told him. 'Urwa bin Mas'ūd got up and said, "O people! Aren't you the sons?" They said, "Yes." He added, "Am I not the father?" They said, "Yes." He said, "Do you mistrust me?" They said, "No." He said, "Don't you know that I invited the people of 'Ukāz for your help, and when they refused I brought my relatives and children and those who obeyed me (to help you)?" They said, "Yes." He said, "Well, this man (i.e., the Prophet ﷺ) has offered you a reasonable

ﷺ مِنْ أَهْلِ تِهامَةَ فَقالَ: إِنِّي تَرَكْتُ كَعْبَ بنَ لُؤَيٍّ وعامِرَ بنَ لُؤَيٍّ نَزَلُوا أَعْدادَ مِياهِ الحُدَيْبِيَةِ ومَعَهُمُ العُوذُ المَطافِيلُ وهُمْ مُقاتِلوكَ وصادُّوكَ عَنِ البَيْتِ. فَقالَ رَسُولُ اللهِ ﷺ: «إِنَّا لَمْ نَجِئْ لِقِتالِ أَحَدٍ ولٰكِنَّا جِئْنا مُعْتَمِرِينَ، وإِنَّ قُرَيْشاً قَدْ نَهِكَتْهُمُ الحَرْبُ وأَضَرَّتْ بِهِمْ فإِنْ شاؤُوا مادَدْتُهُمْ مُدَّةً ويُخَلُّوا بَيْني وبَينَ النَّاسِ فإِن أَظْهَرْ، فَإِنْ شاؤُوا أَنْ يَدْخُلُوا فِيمَا دَخَلَ فِيْهِ النَّاسُ فَعَلُوا وإِلَّا فَقَدْ جَمُّوا. وإِنْ هُمْ أَبَوْا فَوَالَّذِي نَفْسِي بِيَدِهِ لأُقاتِلَنَّهُمْ عَلى أَمْرِي هٰذَا حَتَّى تَنْفَرِدَ سالِفَتِي، ولَيُنْفِذَنَّ اللهُ أَمْرَهُ». فَقالَ بُدَيْلٌ: سَأُبَلِّغُهُمْ ما تَقُولُ. قالَ: فانْطَلَقَ حَتَّى أَتَى قُرَيْشاً، قالَ: إِنَّا قَدْ جِئْناكُمْ مِنْ هٰذَا الرَّجُلِ وسَمِعْناهُ يَقُولُ قَوْلاً، فإِنْ شِئْتُمْ أَنْ نَعْرِضَهُ عَلَيْكُمْ فَعَلْنا. فَقالَ سُفَهاؤُهُمْ: لا حاجَةَ لَنا أَنْ تُخْبِرَنا عَنْهُ بِشَيْءٍ. وقالَ ذَوُو الرَّأْيِ مِنْهُمْ: هاتِ ما سَمِعْتَهُ يَقُولُ، قالَ: سَمِعْتُهُ يَقُولُ كَذَا وكَذَا، فَحَدَّثَهُمْ بِما قالَ النَّبِيُّ ﷺ فَقامَ عُرْوَةُ بنُ مَسْعُودٍ فَقالَ: أَيْ قَوْمِ، أَلَسْتُمْ بالوَلَدِ؟ وَأَلَستِ بالوالِدِ قالُوا: بَلى، قالَ: فَهَلْ تَتَّهِمُونِي؟ قالُوا: لا، قالَ: أَلَسْتُمْ تَعْلَمُونَ أَنِّي اسْتَنْفَرْتُ أَهْلَ عُكاظٍ فَلَمَّا بَلَّحُوا عَلَيَّ جِئْتُكُمْ بأَهْلِي

وولَدِي ومَنْ أطاعَني؟ قالوا: بَلى، قالَ: فإنَّ هذا قَدْ عَرَض لَكُمْ خُطَّةَ رُشْدٍ، اقْبَلُوها ودَعُوني آتِه. قالُوا: ائْتِهِ، فأتاهُ فَجعَلَ يُكَلِّمُ النَّبيَّ ﷺ فَقالَ النَّبيُّ ﷺ نَحْواً مِنْ قَوْلِهِ لِبُدَيْلٍ. فَقالَ عُرْوَةُ عِنْدَ ذلكَ: أيْ مُحَمَّدُ، أرَأيْتَ إنِ اسْتَأْصَلْتَ أمْرَ قَوْمِكَ، هَلْ سَمِعْتَ بأحَدٍ مِنَ العَرَبِ اجْتاحَ أهْلَه قَبْلَكَ؟ وإنْ تَكُن الأخْرَى، فإنّي واللهِ لا أرَى وجُوهاً، وإنّي لأرَى أشْوَاباً مِنَ النَّاسِ خَلِيقاً أنْ يَفِرُّوا ويَدَعُوكَ. فَقالَ لَهُ أبو بَكْرٍ رَضِيَ اللهُ عَنْهُ: امْصَصْ بَظْرَ اللاّتِ، أنَحْنُ نَفِرُّ عَنْهُ ونَدَعُهُ؟ فَقالَ: مَنْ ذَا؟ قالُوا: أبُو بَكْرٍ، قالَ: أما والذي نَفْسِي بِيَدِهِ لَوْلا يَدٌ كانَتْ لكَ عِنْدِي لَمْ أجْزِكَ بِها لأجَبْتُكَ. قالَ: وجَعَلَ يُكَلِّمُ النَّبيَّ ﷺ فَكُلَّما تَكَلَّمَ كَلِمَةً أخَذَ بِلِحْيَتِهِ والمُغِيرَةُ بنُ شُعْبَةَ قائمٌ عَلى رَأسِ النَّبيِّ ﷺ ومَعَهُ السيْفُ وعَلَيْهِ المِغْفرُ. فَكُلَّما أهْوَى عُرْوَةُ بِيَدِهِ إلى لِحيَةِ النَّبيِّ ﷺ ضَرَبَ يَدَهُ بِنَعْلِ السَّيْفِ وقالَ لَهُ: أخِّرْ يَدَكَ عَنْ لِحيَةِ رَسُولِ اللهِ ﷺ، فَرَفَعَ عُرْوَةُ رَأسَهُ فقالَ: مَنْ هذَا؟ قالَ: المُغِيرَةُ بنُ شُعْبَةَ، فَقالَ: أيْ غُدَرُ، ألَسْتُ أسْعَى في غَدْرَتِكَ؟ وكانَ المُغِيرَةُ صَحِبَ قَوْماً في الجاهِلِيَّةِ فَقَتَلَهُمْ وأخَذ

proposal, you'd better accept it and allow me to meet him." They said, "You may meet him." So, he went to the Prophet ﷺ and started talking to him. The Prophet ﷺ told him almost the same as he had told Budail. Then 'Urwa said, "O Muḥammad! Won't you feel any scruple in extirpating your relations? Have you ever heard of anyone amongst the Arabs extirpating his relatives before you? On the other hand, if the reverse should happen, (nobody will aid you, for) by Allāh, I do not see (with you) dignified people, but people from various tribes who would run away leaving you alone." Hearing that, Abū Bakr abused him and said, "Do you say we would run and leave the Prophet ﷺ alone?" 'Urwa said, "Who is that man?" They said, "He is Abū Bakr." 'Urwa said to Abū Bakr, "By Him in Whose Hands my soul is, were it not for the favour which you did to me and which I did not compensate, I would retort on you." 'Urwa kept on talking to the Prophet ﷺ and seizing the Prophet's beard as he was talking while Al-Mughīra bin Shu'ba was standing near the head of the Prophet ﷺ, holding a sword and wearing a helmet. Whenever 'Urwa stretched his hand towards the beard of the Prophet ﷺ, Al-Mughira would hit his hand with the handle of the sword and say (to 'Urwa), "Remove your hand from the beard of Allāh's Messenger ﷺ." 'Urwa raised his head and asked, "Who is that?" The people said, "He is Al-Mughīra bin Shu'ba." 'Urwa said, "O treacherous! Am I not doing my best to prevent evil consequences of your treachery?" Before embracing Islām Al-Mughīra was in the company of some people. He killed them and took their property and came (to Al-Madīna) to embrace Islām. The Prophet ﷺ said (to him), "As regards your Islām, I accept it, but as for the property I do not take

anything of it. (As it was taken through treason)." 'Urwa then started looking at the companions of the Prophet ﷺ. By Allāh, whenever Allāh's Messenger ﷺ spitted, the spittle would fall in the hand of one of them (i.e., the Prophet's companions) who would rub it on his face and skin; if he ordered them they would carry his orders immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke to him, they would lower their voices and would not look at his face constantly out of respect. 'Urwa returned to his people and said, "O people! By Allāh, I have been to the kings and to Caesar, Khosrau and An-Najāshi, yet I have never seen any of them respected by his courtiers as much as Muhammad (ﷺ) is respected by his companions. By Allāh, if he spitted, the spittle would fall in the hand of one of them (i.e., the Prophet's companions) who would rub it on his face and skin; if he ordered them, they would carry out his order immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke, they would lower their voices and would not look at his face constantly out of respect." 'Urwa added, "No doubt, he has presented to you a good reasonable offer, so please accept it." A man from the tribe of Banī Kināna said, "Allow me to go to him," and they allowed him, and when he approached the Prophet ﷺ and his companions, Allāh's Messenger ﷺ said, "He is so-and-so who belongs to the tribe that respects the *Budn* (i.e., camels of the sacrifice). So, bring the *Budn* in front of him." So, the *Budn* were brought before him and the people received him while they were reciting *Talbīya*. When he saw that scene, he said, "Glorified be Allāh! It is not fair to prevent these people from visiting the

أَمْوالَهُمْ ثُم جاءَ فأَسْلَمَ. فَقالَ النَّبِيُّ ﷺ: «أَمَّا الإِسْلامَ فأَقْبَلُ، وأَمَّا المَالَ فَلَسْتُ مِنْهُ في شَيْءٍ». ثُمَّ إِنَّ عُرْوَةَ جَعَلَ يَرْمُقُ أَصْحابَ النَّبِيِّ ﷺ بِعَيْنَيْهِ، قالَ: فَوَاللهِ ما تَنَخَّمَ رَسُولُ اللهِ ﷺ نُخامَةً إِلَّا وَقَعَتْ في كَفِّ رَجُلٍ مِنْهُمْ فَدَلكَ بِها وَجْهَهُ وجِلْدَهُ. وإِذَا أَمَرَهُمُ ابْتَدَرُوا أَمْرَهُ. وإِذَا تَوَضَّأَ كادُوا يَقْتَتِلُونَ عَلى وَضُوئِهِ. وإِذَا تكلَّمُوا خَفَضُوا أَصْوَاتَهُمْ عِنْدَهُ، وما يُحِدُّونَ إِلَيْهِ النَّظَرَ تَعْظِيماً لَهُ. فَرَجَعَ عُرْوَةُ إلى أَصْحابِهِ فَقالَ: أَي قَوْمِ، واللهِ لَقَدْ وفَدْتُ عَلى المُلوكِ ووَفَدْتُ عَلى قَيْصَرَ وكِسْرَى والنَّجاشِيِّ. واللهِ إِنْ رأَيْتُ مَلِكاً قَطُّ يُعَظِّمُهُ أَصْحابُه ما يُعَظِّمُ أَصْحابُ مُحَمَّدٍ ﷺ مُحَمَّداً. واللهِ إِنْ يَتَنَخَّمَ نُخامَةً إِلَّا وقَعَتْ في كَفِّ رَجُلٍ مِنْهُمْ فَدَلكَ بِها وجْهَهُ وجِلْدَهُ. وإِذَا أَمَرَهُمُ ابْتَدَرُوا أَمْرَهُ، وإِذَا تَوَضَّأَ كادُوا يَقْتَتِلُونَ عَلى وَضُوئِهِ، وإِذَا تكَلَّمُوا خَفَضُوا أَصْوَاتَهُمْ عِنْدَهُ، وَما يُحِدُّونَ النَّظَرَ إِلَيْهِ تَعْظِيماً لَهُ. وَإِنَّهُ قَدْ عَرَضَ عَلَيْكُمْ خُطَّةَ رُشْدٍ فاقْبَلُوها، فَقالَ رَجُلٌ مِنْ بَنِي كِنانَةَ: دَعُوني آتِهِ، فَقالُوا: ائْتِهِ. فَلَمَّا أَشْرَفَ عَلى النَّبِيِّ ﷺ وأَصحَابِهِ قالَ رَسُولُ اللهِ ﷺ: «هذَا فُلانٌ وَهُوَ مِنْ قَوْمٍ يُعَظِّمُونَ البُدْنَ فابْعَثُوها لَهُ»،

Ka'bah." When he returned to his people, he said, "I saw the *Budn* garlanded (with coloured knotted ropes) and marked (with stabs on their backs). I do not think it is advisable to prevent them from visiting the Ka'bah." Another person called Mikraz bin Ḥafṣ got up and sought their permission to go to Muḥammad ﷺ, and they allowed him, too. When he approached the Muslims, the Prophet ﷺ said, "Here is Mikraz and he is a vicious man." Mikrāz started talking to the Prophet ﷺ and as he was talking, Suhail bin 'Amr came. When Suhail bin 'Amr came, the Prophet ﷺ said, "Now the matter has become easy." Suhail said to the Prophet ﷺ, "Please conclude a peace treaty with us." So, the Prophet ﷺ called the clerk and said to him, "Write: By the Name of Allāh, the Most Gracious, the Most Merciful." Suhail said, "As for 'Gracious,' by Allāh, I do not know what it means. So write: By Your Name O Allāh, as you used to write previously." The Muslims said, "By Allāh, we will not write except: By the Name of Allāh, the Most Gracious, the Most Merciful." The Prophet ﷺ said, "Write: By Your Name O Allāh." Then he dictated, "This is the peace treaty which Muḥammad, the Messenger of Allāh has concluded." Suhail said, "By Allāh, if we knew that you are Allāh's Messenger we would not prevent you from visiting the Ka'bah, and would not fight with you. So, write: "Muḥammad bin 'Abdullāh." The Prophet ﷺ said, "By Allāh! I am Messenger of Allāh even if you people do not believe me. Write: Muḥammad bin 'Abdullāh." (Az-Zuhrī said, "The Prophet ﷺ accepted all those things, as he had already said that he would accept everything they would demand if it respects the Ordinance of Allāh, (i.e., by letting him and his companions perform *'Umra*.)" The

فَبُعِثَتْ لَهُ، واسْتَقْبَلَهُ النَّاسُ يُلَبُّونَ. فَلَمَّا رَأى ذٰلكَ قالَ: سُبْحانَ اللهِ، ما يَنْبَغِي لِهٰؤُلاءِ أن يُصَدُّوا عَنِ البَيْتِ. فَلَمَّا رَجَعَ إلى أصْحابِهِ قالَ: رَأيْتُ البُدْنَ قَدْ قُلِّدَتْ وأُشْعِرَتْ، فما أرَى أنْ يُصَدُّوا عَنِ البَيْتِ. فَقامَ رَجُلٌ مِنْهُمْ يُقالُ لَهُ: مِكْرَزُ بنُ حَفْصٍ، فَقالَ: دَعُوني آتِهِ، فَقالُوا: ائْتِهِ. فَلَمَّا أشْرَفَ عَلَيْهِمْ قالَ النَّبِيُّ ﷺ: «هٰذا مِكْرَزٌ وهُوَ رجلٌ فاجِرٌ»، فَجَعَلَ يُكَلِّمُ النَّبِيَّ ﷺ فَبَيْنما هُوَ يُكَلِّمُه إذ جاءَ سُهَيْلُ بنُ عَمْرٍو، قالَ مَعْمَرٌ: فأخْبَرَني أيُّوبُ، عَنْ عِكْرِمَةَ: أنَّهُ لَمَّا جاءَ سُهَيْلُ بنُ عَمْرٍو قالَ النَّبِيُّ ﷺ: «قَدْ سَهُلَ لَكُمْ مِنْ أمْرِكُمْ». قالَ مَعْمَرٌ: قالَ الزُّهْرِيُّ في حَدِيثِهِ: فَجاءَ سُهَيْلُ بنُ عَمْرٍو فَقالَ: هاتِ اكْتُبْ بَيْنَنا وبَيْنَكُمْ كِتاباً، فَدَعا النَّبِيُّ ﷺ الكاتِبَ فَقالَ النَّبِيُّ ﷺ اكتُبْ: «بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ»: فَقالَ سُهَيْلٌ: أمَّا الرَّحْمٰنُ فَوَاللهِ ما أدْرِي ما هِيَ، ولٰكِنِ اكْتُبْ: باسمِكَ اللَّهُمَّ، كما كُنْتَ تَكْتُبُ. فَقالَ المُسْلِمُونَ: واللهِ لا نَكْتُبُها إلا بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيم. فَقالَ النَّبِيُّ ﷺ: «اكْتُبْ باسمِكَ اللَّهُمَّ». ثُمَّ قالَ: «هٰذا ما قاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللهِ»، فَقالَ سُهَيْلٌ: واللهِ لَوْ كُنَّا نَعْلَمُ أنَّكَ رَسُولُ

Prophet ﷺ said to Suhail, "On the condition that you allow us to visit the House (i.e., Ka'bah) so that we may perform *Tawāf* around it." Suhail said, "By Allāh, we will not (allow you this year) so as not to give chance to the 'Arabs to say that we have yielded to you, but we will allow you next year." So, the Prophet ﷺ got that written. Then Suhail said, "We also stipulate that you should return to us whoever comes to you from us, even if he embraced your religion." The Muslims said, "Glorified be Allāh! How will such a person be returned to the *Mushrikūn* (polytheists, idolaters, pagans) after he has become a Muslim?" While they were in this state Abū Jandal bin Suhail bin 'Amr came from the valley of Makkah staggering with his fetters and fell down amongst the Muslims. Suhail said, "O Muhammad! This is the very first term with which we make peace with you, i.e., you shall return Abū Jandal to me." The Prophet ﷺ said, "The peace treaty has not been written yet." Suhail said, "I will never allow you to keep him." The Prophet ﷺ said, "Yes, do." He said, "I won't do." Mikrāz said, "We allow you (to keep him)." Abū Jandal said, "O Muslims! Will I be returned to the pagans though I have come as a Muslim? Don't you see how much I have suffered?" Abū Jandal had been tortured severely for the Cause of Allāh. 'Umar bin Al-Khattab said, "I went to the Prophet ﷺ and said, 'Aren't you truly the Messenger of Allāh?' The Prophet ﷺ said, 'Yes, indeed.' I said, 'Isn't our cause just and the cause of the enemy unjust?' He said, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'I am Allāh's Messenger and I do not disobey Him, and He will make me victorious.' I said, 'Didn't you tell us that we would go to the Ka'bah and perform

اللهِ ما صَدَدْناكَ عَنِ البَيْتِ ولا قاتَلْناكَ. ولكِنِ اكْتُبْ: مُحَمَّدُ بنُ عَبْدِ اللهِ، فَقالَ النَّبِيُّ ﷺ: «واللهِ إنِّي لَرَسُولُ اللهِ وإنْ كَذَّبْتُمُوني، اكْتُبْ: مُحَمَّدُ بنُ عَبْدِ اللهِ». قالَ الزُّهْرِيُّ: وذلكَ لِقَوْلِهِ: «لا يَسْأَلُونَني خُطَّةً يُعَظِّمُونَ فِيها حُرُماتِ اللهِ إلَّا أعْطَيْتُهُمْ إيَّاها». فَقالَ لهُ النَّبِيُّ ﷺ: «على أنْ تُخَلُّوا بَيْنَنا وبَيْنَ البَيْتِ فَنَطُوفَ بِهِ». فَقالَ سُهَيْلٌ: واللهِ لا تَتَحَدَّثُ العَرَبُ أنَّا أُخِذْنا ضُغْطَةً، ولكِنْ ذلكَ مِنَ العامِ المُقْبِلِ، فَكَتَبَ. فَقالَ سُهَيْلٌ: وعَلَى أنَّهُ لا يَأْتِيكَ مِنَّا رَجُلٌ وإنْ كانَ عَلَى دِينِكَ إلَّا رَدَدْتَهُ إلَيْنا قالَ المُسْلِمُونَ: سُبْحانَ اللهِ، كَيْفَ يُرَدُّ إلى المُشْرِكِينَ وقَدْ جاءَ مُسْلِماً؟ فَبَيْنَما هم كذلكَ إذْ دَخَلَ أبُو جَنْدَلِ بْنُ سُهَيْلِ بن عَمْرٍو يَرْسُفُ في قُيُودِهِ. وقَدْ خَرَجَ مِنْ أسْفَلِ مَكَّةَ حتَّى رَمى بِنَفْسِهِ بَيْنَ أظهُرِ المُسْلِمِينَ فَقالَ سُهَيْلٌ: هذا يا مُحَمَّدُ أوَّلُ مَنْ أُقاضِيكَ عليهِ أنْ تَرُدَّهُ إليَّ. فَقالَ النَّبِيُّ ﷺ: «إنَّا لَمْ نقضِ الكتابَ بَعْدُ». قالَ: فَواللهِ إذاً لَمْ أُصالِحْكَ عَلَى شَيْءٍ أبَداً. قالَ النَّبِيُّ ﷺ: «فأجِزْهُ لي»، قالَ: ما أنا بِمُجِيزِ ذَلِكَ لكَ. قالَ: «بَلى فافْعَلْ». قالَ: ما أنا بِفاعِلٍ. قالَ مِكْرَزٌ: بَلْ قَدْ

Tawāf around it?' He said, 'Yes, but did I tell you that we would visit the Ka'bah this year?' I said, 'No.' He said, 'So you will visit it and perform *Tawāf* around it' " 'Umar further said, "I went to Abū Bakr and said, 'O Abū Bakr! Isn't he truly Allāh's Prophet?' He replied, 'Yes.' I said, Isn't our cause just and the cause of our enemy unjust?' He replied, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'Indeed, he is Allāh's Mesenger and he does not disobey his Lord, and He will make him victorious. Adhere to him as, by Allāh, he is on the right.' I said, 'Was he not telling us that we would go to the Ka'bah and perform *Tawāf* around it?' He said, 'Yes, but did he tell you that you would go to the Ka'bah this year?' I said, 'No.' He said, 'You will go to Ka'bah and perform *Tawāf* around it'." (Az-Zuhrī said, " 'Umar said, 'I performed many good deeds as expiation for the improper questions I asked them'.") When the writing of the peace treaty was concluded, Allāh's Messenger ﷺ said to his companions, "Get up and slaughter your sacrifices and get your head shaved." By Allāh none of them got up, and the Prophet ﷺ repeated his order thrice. When none of them got up, he left them and went to Umm Salama and told her of the people's attitudes towards him. Umm Salama said, "O the Prophet of Allāh! Do you want your order to be carried out? Go out and don't say a word to anybody till you have slaughtered your sacrifice and call yur barber to shave your head." So, the Prophet ﷺ went out and did not talk to anyone of them till he did that, i.e., slaughtered the sacrifice a ıd called his barber who shaved his head. Se(.ing that, the companions of the Prophet ﷺ got up, slaughtered their sacrifices, and started shaving the heads of one another, and there was so much rush that

أَجَزْنَاهُ لَكَ. قَالَ أَبُو جَنْدَلٍ: أَيْ مَعْشَرَ الْمُسْلِمِينَ، أُرَدُّ إِلَى الْمُشْرِكِينَ وَقَدْ جِئْتُ مُسْلِماً؟ أَلَا تَرَوْنَ مَا قَدْ لَقِيتُ؟ وكانَ قَدْ عُذِّبَ عَذَاباً شَدِيداً فِي اللهِ، قَالَ: قَالَ عُمَرُ بنُ الخَطَّابِ: فَأَتَيْتُ نَبِيَّ اللهِ ﷺ فَقُلْتُ: أَلَسْتَ نَبِيَّ اللهِ حَقًّا؟ قَالَ: «بَلَى»، قُلْتُ: أَلَسْنَا عَلَى الحَقِّ وعَدُوُّنَا عَلَى الباطِلِ؟ قَالَ: «بَلَى»، قُلْتُ: فَلِمَ نُعْطِي الدَّنِيَّةَ فِي دِينِنا إِذَنْ؟ قَالَ: «إِنِّي رَسُولُ اللهِ وَلَسْتُ أَعْصِيهِ، وهُوَ نَاصِرِي». قُلْتُ: أَوَ لَيْسَ كُنْتَ تحدِّثُنَا أَنَّا سَنَأْتِي البَيْتَ فَنَطُوفُ بِهِ؟ قَالَ: «بَلَى، فَأَخْبَرْتُكَ أَنَّا نَأْتِيهِ العَامَ؟» قَالَ: قُلْتُ: لا، قَالَ: «فَإِنَّكَ آتِيهِ ومُطَوِّفٌ بِهِ». قَالَ: فَأَتَيْتُ أَبَا بَكْرٍ، فَقُلْتُ: يا أَبا بَكْرٍ، أَلَيْسَ هٰذَا نَبِيَّ اللهِ حَقًّا، قَالَ: بَلَى، قُلْتُ: أَلَسْنَا عَلَى الحَقِّ وعَدُوُّنَا عَلَى الباطِلِ؟ قَالَ: بَلَى، قُلْتُ: فَلِمَ نُعْطِي الدَّنِيَّةَ فِي دِينِنَا إِذَنْ؟ قَالَ: أَيُّهَا الرَّجُلُ، إِنَّهُ لَرَسُولُ اللهِ ﷺ ولَيْسَ يَعْصِي رَبَّهُ وهُوَ نَاصِرُهُ، فَاسْتَمْسِكْ بِغَرْزِهِ فَوَاللهِ إِنَّهُ عَلَى الحَقِّ، قُلْتُ: أَلَيْسَ كَانَ يُحَدِّثُنَا أَنَّا سَنَأْتِي البَيْتَ فَنطوّف بِهِ؟ قَالَ: بَلَى، أَفَأَخْبَرَكَ أَنَّكَ تَأْتِيهِ العَامَ؟ قُلْتُ: لا. قَالَ: فَإِنَّكَ آتِيهِ ومُطَوِّفٌ بِهِ. قَالَ الزُّهْرِيُّ: قَالَ

عُمَرُ: فَعَمِلْتُ لِذٰلِكَ أعمالاً. قالَ: فَلَمَّا فَرَغَ مِنْ قَضِيَّةِ الكِتابِ قالَ رَسُولُ اللهِ ﷺ لأصْحابِهِ: «قُومُوا فانْحَرُوا ثُمَّ احْلِقُوا»، قالَ: فَوَاللهِ ما قامَ مِنهُمْ رَجُلٌ حتَّى قالَ ذٰلِكَ ثَلاثَ مَرّاتٍ، فَلَمَّا لَمْ يَقُمْ مِنْهُمْ أحَدٌ دَخَلَ عَلى أُمِّ سَلَمَةَ فَذَكَرَ لَها ما لَقِيَ مِنَ النَّاسِ فَقالَتْ أُمُّ سَلَمَةَ: يا نَبِيَّ اللهِ، أتُحِبُّ ذٰلِكَ؟ اخْرُجْ ثُم لا تُكَلِّمْ أحَداً مِنْهُمْ كَلِمَةً، حتَّى تَنْحَرَ بُدْنَكَ، وتَدْعُوَ حالِقَكَ فَيَحْلِقَكَ. فَخَرَجَ فَلَمْ يُكَلِّمْ أحَداً مِنْهُمْ حتَّى فَعَلَ ذٰلِكَ. نَحَرَ بُدْنَهُ، ودَعا حالِقَهُ فَحَلَقَهُ. فَلَمَّا رَأوْا ذٰلكَ قامُوا فَنَحَرُوا وجَعَلَ بَعْضُهُمْ يَحْلِقِ بَعْضاً حتَّى كادَ بَعْضُهُمْ يَقْتُلُ بَعْضاً غَمّاً. ثُم جاءَهُ نِسْوَةٌ مُؤْمِناتٌ، فأنْزَلَ اللهُ تَعالى ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ إِذَا جَآءَكُمُ ٱلْمُؤْمِنَٰتُ مُهَٰجِرَٰتٍ فَٱمْتَحِنُوهُنَّ﴾ [الممتحنة: ١٠] حتَّى بَلَغَ: ﴿بِعِصَمِ ٱلْكَوَافِرِ﴾ فَطَلَّقَ عُمَرُ يَوْمَئِذٍ امْرَأتَينِ كانَتا لَهُ في الشِّرْكِ. فَتَزَوَّجَ إحْدَاهُما مُعاوِيَةُ بنُ أبي سُفْيانَ، والأُخْرَى صَفْوانُ بنُ أُمَيَّةَ. ثُم رَجَعَ النَّبِيُّ ﷺ إلى المَدِينَةِ فَجاءَهُ أبُو بَصِيرٍ رَجُلٌ مِنْ قُرَيْشٍ وهوَ مُسْلِمٌ، فأرْسَلوا في طَلَبِهِ رَجُلَينِ، فَقالُوا: العَهْدَ الذي جَعَلْتَ لَنا. فَدَفَعَهُ إلى الرَّجُلَينِ، فَخَرَجا بِهِ حتَّى بَلَغا ذَا الحُلَيْفَةِ،

there was a danger of killing each other. Then some believing women came (to the Prophet ﷺ); and Allāh تعالى revealed the following Divine Verses:

"O you who believe, when the believing women come to you as emigrants examine them... (up to).. the disbelieving women as wives." (V.60:10)

'Umar then divorced two wives of his who were infidels. Later on Mu'āwīya bin Abū Sufyān married one of them, and Ṣafwān bin Umaiyya married the other.

When the Prophet ﷺ returned to Al-Madīna, Abū Baṣīr, a new Muslim convert from Quraish came to him. The infidels sent in his pursuit two men who said (to the Prophet ﷺ, "Abide by the promise you gave us." So, the Prophet ﷺ handed him over to them. They took him out (of the city) till they reached Dhul-Ḥulaifa where they dismounted to eat some dates they had with them. Abū Baṣīr said to one of them, "By Allāh, O so-and-so, I see you have a fine sword." The other drew it out (of the scabbard) and said, "By Allāh, it is very fine and I have tried it many times." Abū Baṣīr said, "Let me have a look at it." When the other gave it to him, he hit him with it till he died, and his companion ran away till he came to Al-Madīna and entered the mosque running. When Allāh's Messenger ﷺ saw him he said, "This man appears to have been frightened." When he reached the Prophet ﷺ he said, "My companion has been murdered and I would have been murdered too." Abū Baṣir came and said, "O Allāh's Messenger, by Allāh, Allāh has made you fulfil your obligations by your returning me to them (i.e., the infidels), but Allāh has saved me from them." The Prophet ﷺ said, "Woe to his mother! what an excellent war kindler he would be, should he only have

supporters." When Abū Baṣīr heard that he understood that the Prophet ﷺ would return him to them again, so he set out and left till he reached the seashore. Abū Jandal bin Suhail got himself released from them (i.e., infidels) and joined Abū Basīr. So, whenever a man from Quraish embraced Islam he would follow Abu Basīr till they formed a strong group. By Allāh, whenever they heard about a caravan of Quraish heading towards Sham, they stopped it and attacked and killed them (i.e., infidels) and took their properties. The people of Quraish sent a message to the Prophet ﷺ requesting him for the sake of Allāh and kith and kin to send for (i.e., Abū Basīr and his companions) promising that whoever (amongst them) came to the Prophet ﷺ would be secure. So the Prophet ﷺ sent for them (i.e., Abū Basīr's companions) and Allāh تعالى revealed the following Divine Verses:

"And it is He Who has withheld their hands from you and your hands from them in the midst of Makkah, after He made you victors over them.. (up to).. pride and haughtiness, the pride and haughtiness of the time of ignorance." (V.48:24-26)

And their pride and haughtiness was that they did not confess (write in the treaty) that he (i.e., Muḥammad ﷺ) is the Prophet of Allāh and refused to write: "In the Name of Allāh, the Most Gracious, the Most Merciful," and prevented the Muslims from visiting the Ka'bah.

فَنزَلُوا يَأْكُلُونَ مِنْ تَمْرٍ لَهُمْ، فَقالَ أَبُو بَصِيرٍ لأَحَدِ الرجُلَينِ: واللهِ إنّي لأَرَى سَيْفَكَ هذَا يا فُلانُ جَيِّداً، فاسْتَلَّهُ الآخَرُ فَقالَ: أَجَلْ واللهِ، إنَّهُ لَجَيِّدٌ، لَقَدْ جَرَّبْتُ بِهِ ثُمَّ جَرَّبْتُ. فَقالَ أَبُو بَصِيرٍ: أَرِني أَنْظُرْ إِلَيْهِ، فأَمْكَنَهُ منه، فَضَرَبَهُ حتَّى بَرَدَ وفَرَّ الآخَرُ حتَّى أَتَى المَدِينَةَ، فَدَخَلَ المَسْجِدَ يَعْدُو، فَقالَ رَسُولُ اللهِ ﷺ حِينَ رَآهُ: «لَقَدْ رَأَى هذَا ذُعْراً»، فَلَمَّا انْتَهَى إلى النَّبيِّ ﷺ قالَ: قُتِلَ صاحِبِي وإنّي لَمَقْتُولٌ. فَجاءَ أَبُو بَصِيرٍ فَقالَ: يا نَبِيَّ اللهِ قَدْ واللهِ أَوْفَى اللهُ ذِمَّتَكَ، قَدْ رَدَدْتَنِي إليهم ثُمَّ أَنْجاني اللهُ مِنهُمْ. قالَ النَّبيُّ ﷺ: «وَيْلُ أُمِّهِ مِسْعَرَ حَرْبٍ لَوْ كانَ لَهُ أَحَدٌ». فَلَمَّا سَمِعَ ذٰلكَ عَرَفَ أَنَّهُ سَيَرُدُّهُ إلَيهِمْ، فَخَرَجَ حتَّى أَتَى سِيفَ البَحْرِ، قالَ: ويَنْفَلِتُ مِنْهُمْ أَبُو جَنْدَلِ بْنُ سُهَيْلٍ فَلَحِقَ بأَبي بَصِيرٍ، فَجَعَلَ لا يَخْرُجُ مِنْ قُرَيْشٍ رَجُلٌ قَدْ أَسْلَمَ إلَّا لَحِقَ بأَبِي بَصِيرٍ حتَّى اجْتَمَعَتْ مِنْهُمْ عِصَابَةٌ، فَوَاللهِ ما يَسْمَعُونَ بِعِيرٍ خَرَجَتْ لِقُرَيْشٍ إلى الشَّامِ إلَّا اعْتَرَضُوا لَهَا فَقَتَلُوهُمْ وأَخَذُوا أَمْوَالَهُمْ. فأَرْسَلَتْ قُرَيْشٌ إلى النَّبيِّ ﷺ تُناشِدُهُ اللهَ والرَّحِمَ لَمَّا أَرْسَلَ: فَمَنْ أَتاهُ فَهُوَ آمِنٌ، فأَرْسَلَ النَّبيُّ ﷺ إلَيهِمْ فأَنْزَلَ اللهُ تَعالى ﴿وَهُوَ ٱلَّذِى

كَفَّ أَيْدِيَهُمْ عَنكُمْ وَأَيْدِيَكُمْ عَنْهُم بِبَطْنِ مَكَّةَ مِنْ بَعْدِ أَنْ أَظْفَرَكُمْ عَلَيْهِمْ﴾ حتَّى بَلَغَ ﴿الْحَمِيَّةَ حَمِيَّةَ الْجَاهِلِيَّةِ﴾ [الفتح: ٢٤-٢٦] كانَتْ حَمِيَّتُهُمْ أَنَّهُمْ لَمْ يُقِرُّوا أَنَّهُ نَبِيُّ اللهِ ولَمْ يُقِرُّوا بِبِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ. وحالُوا بَيْنَهُمْ وبَيْنَ البَيْتِ. [راجع: ١٦٩٤، ١٦٩٥]

قال أبو عَبْدِ اللهِ: ﴿مَعَرَّةٌ﴾: العُرُّ: الجَرَبُ، ﴿تَزَيَّلُوا﴾: تَمَيَّزُوا، وَحَمَيْتُ القَوْمَ: منعتهم حماية، وأحميت الحمىٰ.

٢٧٣٣ - وقالَ عُقَيْلٌ عَنِ الزُّهْرِيِّ: قالَ عُرْوَةُ: فأَخبرَتْني عائِشَةُ أَنَّ رَسُولَ اللهِ ﷺ كانَ يَمْتَحِنُهُنَّ. وبَلَغَنا أَنَّهُ لَمَّا أَنْزَلَ اللهُ تَعالى أَنْ يَرُدُّوا إلى المُشْرِكِينَ ما أَنْفَقُوا عَلى مَنْ هاجَرَ مِنْ أَزْوَاجِهِمْ وحَكَمَ عَلى المُسْلِمِينَ أَنْ لا يُمْسِكُوا بِعِصَمِ الكَوَافِرِ، أَنَّ عُمَرَ طَلَّقَ امْرَأَتَيْنِ قَرِيبَةَ بِنتَ أَبي أُمَيَّةَ. وابْنَةَ جَرْوَلٍ الخُزَاعِيِّ، فَتَزَوَّجَ قَرِيبَةَ مُعاوِيَةُ ابنُ أَبي سُفْيانَ، وتَزَوَّجَ الأُخْرَى أَبُو جَهْمٍ. فَلَمَّا أَبَى الكُفَّارُ أَنْ يُقِرُّوا بأَدَاءِ ما أَنْفَقَ المُسْلِمُونَ عَلى أَزْوَاجِهِمْ أَنْزَلَ اللهُ تَعالى: ﴿وَإِن فَاتَكُمْ شَيْءٌ مِّنْ أَزْوَاجِكُمْ إِلَى الْكُفَّارِ فَعَاقَبْتُمْ﴾ [الممتحنة: ١١] والعَقْبُ ما يُؤَدِّي المُسْلِمُونَ إلى مَنْ هاجَرَتِ امْرَأَتُهُ مِنَ

2733. Narrated Az-Zuhrī: 'Urwa said, " 'Āishah told me that Allāh's Messenger ﷺ used to examine the women emigrants. We have been told also that when Allāh تعالى revealed the order that the Muslims should return to the *Mushrikūn* (polytheists, idolaters, pagans) what they had spent on their wives who emigrated (after embracing Islām) and that the Muslims should not keep disbelieving women as their wives, 'Umar divorced two of his wives, Qarība, the daughter of Abū Umaiyya and the daughter of Jarwal Al-Khuzā'ī. Later on Mu'āwīya married Qarība and Abū Jahm married the other."

When the *Mushrikūn* refused to pay what the Muslims had spent on their wives, Allāh تعالى revealed:

"And if any of your wives had gone from you to the disbelievers ....." (V.60:11)

So, Allāh ordered that the Muslim whose wife has gone, should be given, as a compensation of the *Mahr* he had given to his wife, from the *Mahr* of the wives of the *Mushrikūn* who had emigrated deserting their husbands.

We do not know any of the women emigrants who deserted Islam after embracing it. We have also been told that Abū Basīr bin Asīd Ath-Thaqafi came to the Prophet ﷺ as a Muslim emigrant during the truce. Al-Akhnas bin Sharīq wrote to the Prophet ﷺ requesting him to return Abū Basīr.

الكُفَّارِ، فأمَرَ أنْ يُعْطَى مَنْ ذَهَبَ لَهُ زَوْجٌ مِنَ المُسْلِمِيْنَ ما أنْفَقَ مِن صَدَاقِ نِساءِ الكُفَّارِ اللاتي هاجَرْنَ، وما نَعْلَمُ أحَداً مِنَ المُهاجِرَاتِ ارْتَدَّتْ بَعْدَ إيمانها. وبَلَغنا أنَّ أبا بَصيرِ بنَ أَسِيدٍ الثَّقَفِيَّ قَدم عَلى النَّبيِّ ﷺ مُؤْمِناً مُهاجِراً في المُدَّة، فَكَتَبَ الأَخْنَسُ بنُ شُرِيقٍ إلى النَّبيِّ ﷺ يَسْأَلُهُ أبا بَصيرٍ، فَذَكَرَ الحديثَ.

[راجع: ٢٧١٣]

(16) CHAPTER. Conditions in loans.

(١٦) بابُ الشُّرُوطِ في القَرْضِ

Ibn 'Umar رَضِيَ الله عَنْهُما and 'Aṭā' said, "If one lends something for a certain period, the debt is valid."

وقالَ ابنُ عُمَرَ وعَطاءٌ رَضِيَ الله عَنْهُما: إذَا أجَّلَهُ في القَرضِ جَازَ.

2734. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ mentioned a person who asked an Isrāēlī man to lend him one thousand Dinārs, and the Isrāēlī lent him the sum for a certain fixed period.

٢٧٣٤ - وقالَ اللَّيْثُ: حدَّثني جَعْفَرُ ابنُ رَبيعَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ هُرْمُزَ، عَنْ أبي هُرَيْرَةَ رَضِيَ الله عَنْهُ عَنْ رَسُولِ الله ﷺ: أنَّهُ ذَكَرَ رَجُلاً سَأَلَ بَعْضَ بَني إسْرَائِيلَ أنْ يُسْلِفَهُ ألْفَ دِينارٍ، فَدَفَعَها إلَيْهِ إلى أجَلٍ مُسَمًّى. [راجع: ١٤٩٨]

(17) CHAPTER. *Al-Mukātab* (i.e., the slave who is given the writing of emancipation for a certain sum) and about the invalidity of those conditions which contradict Allāh's Laws.

(١٧) بابُ المُكاتَبِ، وما لا يَحِلُّ مِنَ الشُّرُوطِ التي تُخالِفُ كِتابَ الله

Jābir bin 'Abdullāh رَضِيَ الله عَنْهُما said regarding *Al-Mukātab*, "Their conditions are those which are mutually agreed upon by them." Ibn 'Umar or 'Umar said, "Any condition which is against Allāh's Laws, is invalid, even if one stipulates a hundred such conditions."

وقالَ جابِرُ بنُ عَبْدِ الله رَضِيَ الله عَنْهُما في المُكاتَبِ: شُرُوطُهم بَيْنَهُمْ. وقالَ ابنُ عُمَرَ أوْ عُمَرُ رضِيَ الله عَنْهُمَا: كُلُّ شَرْطٍ خالَفَ كِتابَ الله فَهُوَ باطِلٌ، وَإن اشْتَرَطَ مائَةَ شَرْطٍ.

2735. Narrated 'Amra: 'Āishah رَضِيَ اللهُ عَنْها said that Barira came to seek her help in the writing of her emancipation. 'Āishah said to her, "If you wish, I will pay your masters (your price) and the *Walā'* will be for me." When Allāh's Messenger ﷺ came, she told him about it. The Prophet ﷺ said to her, "Buy her (i.e., Barira) and manumit her, for the *Walā'* is for the one who manumits." Then Allāh's Messenger ﷺ ascended the pulpit and said, "What about those people who stipulate conditions which are not present in Allāh's Laws? Whoever stipulates such conditions as are not present in Allāh's Laws, then those conditions are invalid even if he stipulted a hundred such conditions."

٢٧٣٥ - حَدَّثَنا عَلِيُّ بن عَبْدِ الله: حدَّثَنا سُفْيانُ، عَنْ يَحْيى، عَنْ عَمْرَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: أَتَتْها بَرِيرَةُ تَسْأَلُها في كِتابَتِها فَقالَتْ: إنْ شِئْتِ أَعْطَيْتُ أَهْلَكِ ويَكُونُ الوَلاءُ لي. فَلَمَّا جاءَ رَسُولُ الله ﷺ ذَكَّرْتُهُ ذٰلِكَ. قالَ النَّبِيُّ ﷺ: «ابْتاعِيها فأَعْتِقِيها فإنَّما الوَلاءُ لِمَنْ أَعْتَقَ». ثُمَّ قامَ رَسُولُ الله ﷺ عَلى المِنْبَرِ فَقالَ: «ما بالُ أَقْوامٍ يَشْتَرِطُونَ شُرُوطاً لَيْسَتْ في كِتابِ الله؟ مَنِ اشْتَرَطَ شَرْطاً لَيْسَ في كِتابِ اللهِ. فَلَيْسَ لَهُ وإنْ اشْتَرَطَ مائَةَ شَرْطٍ». [راجع: ٤٥٦]

(18) CHAPTER. What kinds of conditions are permissible; and what is exempted from the decision; and the conditions which are well-known amongst the people, and if somebody says, "One hundred minus one or two."

(١٨) بابُ ما يَجُوزُ مِنَ الاشْتِراطِ، والثُّنْيا في الإِقْرارِ، والشُّرُوطِ التي يَتَعارَفُهُ النَّاسُ بَيْنَهُمْ. وإذا قالَ: مائَةٌ إلَّا واحِدَةً أوْ ثِنْتَين

Narrated Ibn Sīrīn: A man said to a hirer of animals, "Prepare your travelling animals, and if I should not go with you on such and such day, I shall pay you one hundred Dirhams," but he did not go on that day. Shuraih said, "If anyone puts a condition on himself of his own free will without being under duress, he has to abide by it."

Narrated Ayyūb from Ibn Sīrīn: A man sold foodstuff and the buyer told the seller that if he did not come to him on Wednesday, then the deal would be cancelled (i.e., invalid) and he did not turn up on that day." Shuraih said to the buyer, "You have broken your promise," and gave the verdict against him.

وقالَ ابنُ عَوْنٍ، عَنِ ابن سِيرينَ، قالَ الرجل لِكَرِيِّهِ: أَدْخِلْ رِكابَكَ، فإنْ لَمْ أَرْحَلْ مَعَكَ يَوْمَ كَذا وكَذا فَلكَ مِائَةُ دِرْهَم فَلَمْ يَخْرُجْ، فَقالَ شُرَيْحٌ: مَنْ شَرَطَ عَلى نَفْسِهِ طائِعاً غَيْرَ مُكْرَهٍ فَهُوَ عَلَيْهِ. وقالَ أَيُّوبُ، عَنِ ابن سِيرينَ: إنَّ رَجُلاً باعَ طَعاماً وقالَ: إنْ لَمْ آتِكَ الأَرْبعاءَ فَلَيْسَ بَيْني وبَيْنَكَ بَيْعٌ، فَلَمْ يَجِئْ فَقالَ شُرَيْحٌ للمُشْتَري: أَنْتَ أَخْلَفْتَ فَقَضى عَلَيْهِ.

٢٧٣٦ - حَدَّثَنَا أَبُو اليمان: أَخْبَرَنا شُعَيْبٌ: حدَّثنا أبو الزِّناد، عَنِ الأَعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ؛ أَنَّ رَسُولَ الله ﷺ قالَ: «إِنَّ لله تِسْعةً وتِسْعِينَ اسماً؛ مِائَةً إِلَّا وَاحِداً مَنْ أَحْصَاها دَخَلَ الجَنَّةَ». [انظر: ٦٤١٠، ٧٣٩٢]

2736. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Allāh has ninety-nine names, i.e., one hundred less one, and whoever counts them (believes in their meanings and acts accordingly) will enter Paradise." (Please see *Hadīth* No.6410 Vol.8)

(١٩) بابُ الشُّرُوطِ في الوَقْفِ

(19) CHAPTER. Conditions in *Waqf* (i.e., religious endowment).

٢٧٣٧ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا مُحَمَّدُ بنُ عَبْدِ اللهِ الأَنْصَارِيُّ: حدَّثَنا ابنُ عَوْنٍ قالَ: أَنْبَأَني نافعٌ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّ عُمَرَ بنَ الخَطَّابِ أَصابَ أَرْضاً بِخَيْبَرَ فأَتى النَّبِيَّ ﷺ يَسْتَأْمِرُهُ فِيها، فَقالَ: يا رَسُولَ اللهِ، إِنِّي أَصَبْتُ أَرْضاً بِخَيْبَرَ، لَمْ أُصِبْ مالاً قَطُّ أَنْفَسَ عِنْدِي مِنْهُ، فَما تَأْمُرني بِهِ؟ قالَ: «إِنْ شِئْتَ حَبَسْتَ أَصْلَها وتَصَدَّقْتَ بِها». قالَ: فَتَصَدَّقَ بِها عُمَرُ أَنَّهُ لا يُباعُ ولا يُوهَبُ ولا يُورَثُ، وتَصَدَّقَ بِها في الفُقَرَاءِ وفي القُرْبى وفي الرِّقابِ وفي سَبِيلِ اللهِ وابنِ السَّبِيلِ والضَّيْفِ، لا جُناحَ عَلى مَنْ وَلِيَها أَنْ يأكُلَ مِنْها بالمَعْرُوفِ ويُطْعِمَ غَيْرَ مُتَمَوِّلٍ.

قالَ: فَحَدَّثْتُ بِهِ ابنَ سِيرِينَ. فَقالَ: غَيْرَ مُتَأَثِّلٍ مالاً. [راجع: ٢٣١٣]

2737. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: 'Umar bin Al-Khattāb got some land in Khaibar and he went to the Prophet ﷺ to consult him about it, saying, "O Allāh's Messenger I got some land in Khaibar better than which I have never had, what do you suggest that I do with it?" The Prophet ﷺ said, "If you like you can give the land as endowment and give its fruits in charity." So 'Umar gave it in charity as an endowment on the condition that it would not be sold nor given to anybody as a present and not to be inherited, but its yield would be given in charity to the poor people, to the kith and kin, for freeing slaves, for Allāh's Cause, to the travellers and guests; and that there would be no harm if the guardian of the endowment ate from it with *Ma'rûf* (according to his labour with good intention), and fed others without storing it for the future..."